DOCUMENT RESUME

ED 441 588 PS 028 589

TITLE	Licensing Requirements for Part-Day Children's Programs.
INSTITUTION	Oklahoma State Dept. of Human Services, Oklahoma City. Office of Child Care.
REPORT NO	DHS-Pub-95-12
PUB DATE	1999-12-01
NOTE	68p.
PUB TYPE	Guides - Non-Classroom (055) -- Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	Caregiver Child Relationship; Certification; Child Caregivers; Child Health; Child Safety; *Day Care; Early Childhood Education; Educational Equipment; Facilities; *Family Day Care; Food Service; *Infant Care; Infants; Nutrition; Personnel Policy; Preschool Curriculum; Recordkeeping; Safety; School Safety; *Standards; State Legislation; State Regulation; *State Standards; Toddlers; Transportation
IDENTIFIERS	Caregiver Qualifications; *Day Care Licensing; Day Care Quality; *Day Care Regulations; Oklahoma; Playground Equipment

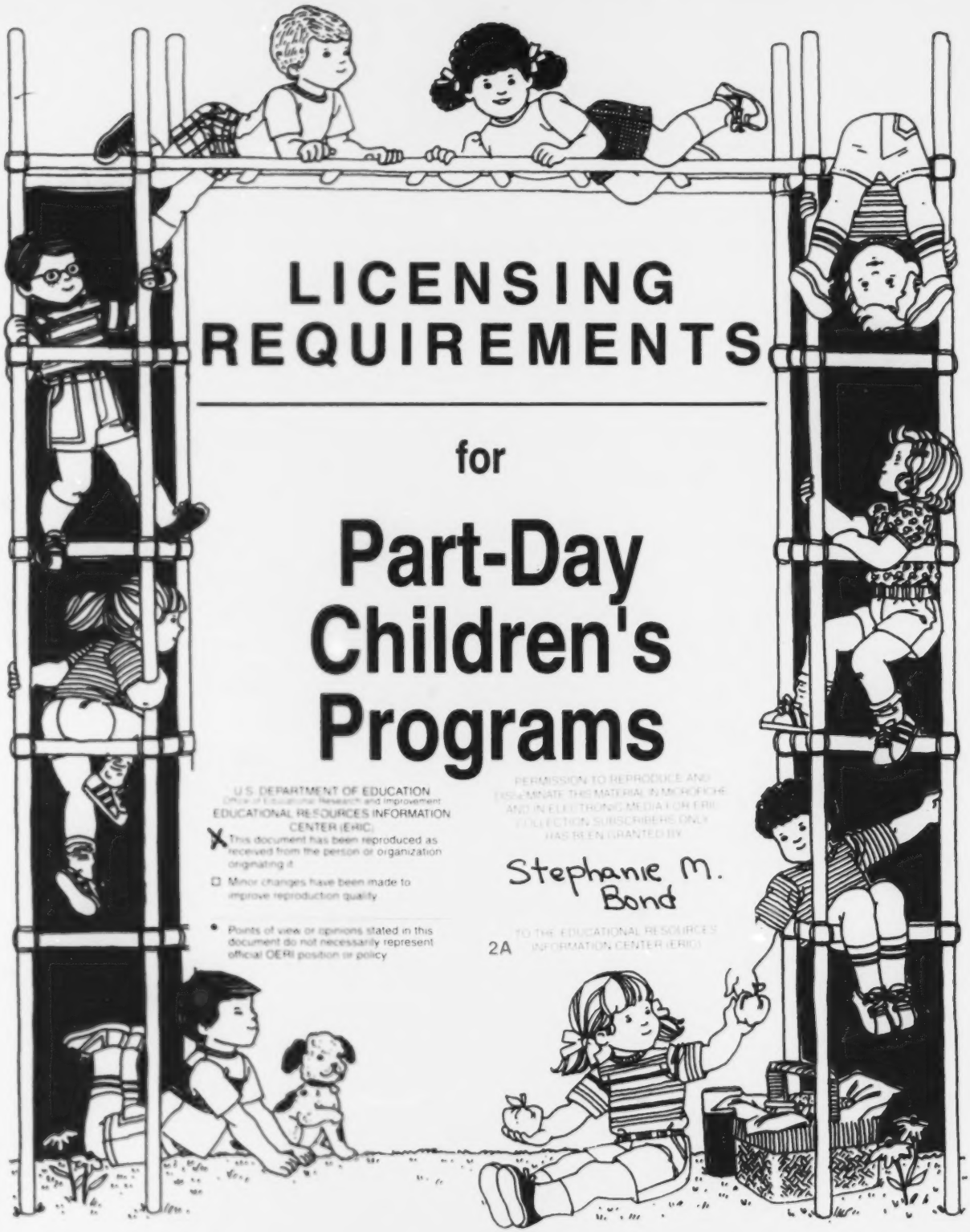
ABSTRACT

The Oklahoma Child Care Facilities Licensing Act was amended in 1993 to address part-day child care programs and mandates that the Department of Human Services develop minimum requirements for part-day programs and license them. This document delineates the licensing requirements for part-day child care programs in Oklahoma. Requirements are presented in the areas of program policy and procedure, record keeping, employees, child supervision, physical facilities, indoor equipment for children of different ages, and outdoor safety and play equipment. Requirements for child care practices for infants through 2-year-olds are delineated, including learning activities, water activities, rest time, and behavior and guidance. In addition, requirements are presented regarding health practices, food and nutrition, transportation, food service and sanitation, and fire safety. Eight supplements include the text of the Oklahoma Child Care Facilities Licensing Act, definition of child abuse, suggested indoor and outdoor equipment, and an injury report form. (KB)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 441 588

PS 028589



LICENSING REQUIREMENTS

for

Part-Day Children's Programs

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE AND IN ELECTRONIC MEDIA FOR ERIC COLLECTION SUBSCRIBERS ONLY HAS BEEN GRANTED BY

Stephanie M. Bond

2A TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

DEPARTMENT OF HUMAN SERVICES
Office of Child Care

EFFECTIVE 12-1-99

BEST COPY AVAILABLE

REQUIREMENTS FOR PART-DAY CHILDREN'S PROGRAMS
(340:110-3-35 THROUGH 340:110-3-49.7)

Foreword 1
Section 35. Purpose and policy of the law 3
Section 36. Definitions 3
Section 37. Necessity and issuance of license 4
Section 38. Requirements 4
Section 39. Organization 4
(a) Sponsor 4
(b) Purpose 4
(c) Responsible agent 4
(d) Notifications 5
(e) Effect of change in ownership or location on license 5
Section 40. Policy and procedure 6
(a) Content 6
(b) Personnel policy 6
(c) Access to the program 6
Section 41. Records 6
(a) Program records 6
(b) Children's records 6
(c) Staff records 7
Section 42. Requirements for part-day program employees 7
(a) General 7
(b) Criminal history investigations 7
(c) Restrictions 8
(d) Child abuse 8
(e) Health 9
(f) Employee qualifications 9
(g) Responsibilities 9
(h) Professional development 10
Section 43. Supervision of children 11
(a) General 11
(b) Infants, toddlers and twos 11
(c) Preschool-age children 11
(d) School-age children 11
(e) Staff:child ratios 11
(f) Swimming guidelines 13
Section 44. Physical facilities 13
(a) Location and construction 13
(b) Auxiliary spaces 13
(c) Safety and sanitation 14
(d) Licensed capacity 16
Section 45. Indoor equipment 17
(a) General 17
(b) Minimum equipment for infants 17
(c) Minimum equipment for toddlers 18
(d) Minimum equipment for two-year-olds 18
(e) Minimum equipment for three-year-olds 18

(f) Minimum equipment for four and five-year-olds 18
(g) Minimum equipment for school-age children 19
Section 46. Outdoor safety and play equipment 19
(a) Play space 19
(b) Surfaces 19
(c) Playground safety 20
Section 47. Care of infants, toddlers and two-year-olds 20
(a) Environment 20
(b) Feeding 20
(c) Diaper changing 21
(d) Toilet learning 22
(e) Program 22
Section 48. Learning experiences 22
(a) Activities 22
(b) Television and videos 22
(c) School-age children 22
Section 49. Water activities 23
(a) Parental permission 23
(b) Supervision 23
(c) Safety 23
(d) Swimming pools 23
(e) Restrictions 23
Section 49.1. Rest time 24
(a) Rest arrangements for preschool children 24
(b) Rest arrangements for infants, toddlers and two-year-olds 24
(c) Sleeping space and equipment 24
(d) Supervision 24
Section 49.2. Behavior and guidance 24
(a) Appropriate discipline 24
(b) Staff requirements 24
(c) Acts prohibited 25
Section 49.3. Health 25
(a) Cleanliness 25
(b) Health records 25
(c) Immunizations 25
(d) Disease control 26
(e) Medication 26
(f) Injuries 27
(g) Emergency procedure 27
(h) First aid kits 27
Section 49.4. Food and nutrition 28
(a) Meals 28
(b) Food service plan 28
(c) Menu posting 28
Section 49.5. Transportation 28
(a) Program responsibility 28
(b) Driver qualifications 29
(c) Staff:child ratios 29
(d) Procedure 29

(e) Passenger restraints 29
(f) Vehicle requirements 30
Section 49.6. Food service and sanitation requirements 30
(a) General 30
(b) Food supplies 30
(c) Potentially hazardous foods 31
(d) Food protection 31
(e) Food preparation 32
(f) Use of food 32
(g) Transporting food 32
(h) Catering services 32
(i) Personnel 32
(j) Food equipment, utensils and storage items 33
(k) Cleaning and sanitizing equipment and utensils 33
(l) Storage area 34
(m) Food service handwashing facilities 34
(n) Food preparation and service areas 34
(o) Construction and maintenance of physical facilities 35
Section 49.7. Fire safety 36
(a) Minimum construction requirements 36
(b) Fire safety codes 36
(c) Exits 36
(d) Doors 36
(e) Alarm systems and extinguishers 37
(f) Hazardous areas 37
(g) Electrical 37
(h) Evacuation 38
(i) Training 38
(j) Housekeeping 38
(k) Outside 38

Supplement I. Oklahoma Child Care Facilities Licensing Act 39
Supplement II. What is Child Abuse 50
Supplement III. Suggested Indoor Equipment for:
Infants 51
Toddlers 52
Two-Year-Olds 53
Three-Year-Olds 54
Four and Five-Year-Olds 55
School-age Children 56
Supplement IV. Suggested Outdoor Play Equipment 58
Supplement V. Minimum Immunization Requirements 59
Supplement VI. Injury Report Form 61
Supplement VII. Minimum Meal Pattern Plan for Children 62
Supplement VIII. Development of Revisions 63

FOREWORD

Oklahoma has demonstrated its concern for children who need care outside their own homes by enacting the Oklahoma Child Care Facilities Licensing Act. This legislation, which became effective in 1963, was amended in 1993 to address part-day child care programs. In part, it mandates that the Department of Human Services develop minimum requirements for part-day programs and license them.

Although parents have the primary responsibility for monitoring their child's care, licensing representatives provide an additional level of protection through on-site inspections, technical assistance and consultation with those who provide child care.

In drafting the Requirements, the Department was assisted by representatives of part-day children's programs, the State Department of Health, the State Fire Marshal's Office and other interested citizens.

The Department acknowledges with grateful appreciation the advice and counsel of the Child Care Advisory Committee whose help has been invaluable in the preparation of these Requirements.

PART 2. REQUIREMENTS FOR PART-DAY CHILDREN'S PROGRAMS

Section 35. Purpose and policy of the law

It is the declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act (10 O.S. Sec. 401 et seq.) to ensure maintenance of minimum standards for the care and protection of children away from their own homes, to encourage and assist the child care facility in attaining maximum standards, and to work for the development of sufficient and adequate services for child care.

Section 36. Definitions

The words and terms used in this Part shall have the following meanings unless the context clearly indicates otherwise.

"Auxiliary spaces" are areas not used for children's care or play.

"Child" means a person under the age of 18 years.

"Child care center" means a facility which provides care for children and operates for more than 30 hours per week.

"Department" means the Department of Human Services.

"Fall zone" means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.

"Hazard" means an identifiable situation that is likely to inflict injury or cause harm.

"Infant" means a child 0 through 9 months of age.

"Infection control" means the policies, procedures, and techniques used to control and prevent the spread of infection, e.g., handwashing, sanitizing, personal hygiene, diapering and toileting, appropriate handling and/or disposal of soiled items, sick child exclusion policies, immunization policies.

"Limited food service" means the preparation and/or service of only non-potentially hazardous foods for immediate consumption using single-serving articles for preparation and service.

"Parent" means a child's father, mother or other person who has legal custody or guardianship of the child.

"Part-day Child Care Program" means a facility which provides care and supervision for children and which operates for more than 15 but less than 30 hours per week.

"Potentially hazardous foods" means any food that contains milk or milk products, eggs, meat, poultry, fish, shellfish, crustacean or other ingredients in a form capable of supporting rapid and progressive growth of harmful microorganisms.

"Preschool child" means a child three to five years of age who has not entered kindergarten.

"School-age child" means a child who is at least five years of age and who is attending or has completed kindergarten.

"Supervision of children" means the function of observing, over-seeing and guiding a child or group of children. This includes awareness of and responsibility for the on-going activity of each child and being near enough to intervene if needed. It requires physical presence, knowledge of activity requirements and children's needs, and accountability for their care.

"Toddler" means a child 10 through 23 months of age.

"Volunteers" means persons who provide services to the program without cost or compensation.

Section 37. Necessity and issuance of license

(a) In accordance with Section 401 of Title 10 of the Oklahoma Statutes, no child care facility may be operated or maintained unless licensed by the Department of Human Services of the State of Oklahoma. Under the 1993 revised statute, a child care facility is a public or private residential facility, child placing agency, foster family home, group home, child care center, part-day child care program or family child care home. In order to provide care for children in a child care facility, a license is required to be obtained from the Department of Human Services which is issued on the basis of meeting minimum requirements essential for the health and welfare of children in care.

(b) An application for a license is made on forms provided by the Department and in the manner prescribed. All licenses are in force for two years from month of issuance and may be reissued every two years on application. A one-year provisional license may be issued to any applicant whose services are needed but who is temporarily unable to conform to all the rules and regulations of the Department.

(c) No business unrelated to child care is conducted in a part-day children's program during the time care is provided.

(d) A business located in the same building as the program is required to have its own entrance, bathrooms and be separate from children.

(e) The Department may revoke a license if a licensee violates any provisions of this Act. No license is revoked or renewal refused unless the holder of such license is given 30 days notice in writing of the grounds of the proposed revocation or refusal. If the revocation or refusal is protested within 30 days of receipt of the written notice, a hearing is conducted at which an opportunity shall be given to the licensee to present testimony.

(f) When the Department denies or revokes a program's license, the responsible agent, owner, governing board, franchisee, or governmental agency may not make application for a new child care facility license within the state:

(1) following notification of the agent of the revocation or denial of a license;
(2) during an appeal process; and
(3) for five years following closure of the program.

Section 38. Requirements

The requirements in this Part are presented as minimum requirements and safeguards to ensure the well-being of children. They have been developed from existing knowledge of child development and experience in child care.

Section 39. Organization

(a) **Sponsor.** A part-day children's program may be sponsored by a public or private group or by an individual. It may be operated by public or private community organizations or by private ownership.

(b) **Purpose.** A statement defining the purpose or function of the part-day child care program shall be filed with the Department. The statement shall include the licensed capacity, age of children accepted, hours of operation, type of care and services offered.

(c) **Responsible agent.** The responsible agent for the different types of child care facilities is given in (1) - (3) of this subsection.

(1) A not-for-profit children's program shall operate under a governing board responsible for the development of policies and the establishment and maintenance of sound financial structure.

(2) A proprietary program's owner is responsible for the policy and financial structure of the program.

(3) A public program is created and exists by act of the state, county, city or other political subdivision. The operation shall remain under the control of a governmental agency.

(d) **Notifications**. The program shall comply with the requirements pertaining to notifications contained in this subsection.

(1) The items that shall be displayed in a prominent place where staff, parents and others may view them are:

(A) the program's license, permit or notice of denial or revocation of license;

(B) name of the person responsible for the program during the director's absence;

(C) notice of the requirement to report suspected child abuse and neglect;

(D) notice prohibiting smoking anywhere in the facility while children are in care;

(E) the daily program schedule;

(F) emergency procedure;

(G) weekly menu of all food provided by the program;

(H) evacuation plan; and

(I) a record of monthly fire drills.

(2) In accordance with 21 O.S. Sec. 846, anyone having reason to believe that a child has been abused or neglected shall report the matter promptly to the Department. It is a misdemeanor for any person to fail to report.

(3) The program shall notify Licensing Services on the next working day of:

(A) unscheduled or permanent closing of the program;

(B) a change in the director;

(C) any damage to the facility that affects the amount of useable square footage or compliance with any requirements;

(D) legal action against a program or staff person which pertains to licensing requirements;

(E) any known criminal charges or child abuse investigations involving staff which are pending or have had a disposition;

(F) an accident involving transportation unless there were no injuries and only minor damage to the vehicles;

(G) any injury to a child requiring emergency medical attention; and

(H) the death of a child which occurred while the child was in the program.

(4) The program shall notify Licensing Services at least 30 days prior to any of the proposed changes listed in paragraphs (A)-(E) of this subsection:

(A) a change in owner(s) or sponsorship;

(B) change in name of the program;

(C) any change or alteration to the physical facility that affects the amount of usable square footage or compliance with any requirements;

(D) anticipated closing or relocation of the program; and/or

(E) proposed change in the licensed capacity of the program.

(e) **Effect of change in ownership or location on license.** When changing ownership and/or location:

(1) the license is not transferable and shall be returned to the Department; and

(2) the program shall meet current licensing requirements.

Section 40. Policy and procedure

(a) **Content**. A written statement of the program's policy and procedure shall be available to staff and parents and shall include but not be limited to:

(1) a brief program description;
(2) ages of children accepted;
(3) days and hours of operation, including the holidays the program is closed;
(4) fees;
(5) procedure for receiving and releasing children from the program, including a method of verifying the identity of a caller or person picking up a child;
(6) procedure concerning children's personal belongings and money;
(7) procedure for the handling of illnesses and injuries, including procedures when away from the program;
(8) procedure for storing and administering children's medicines;
(9) mandatory reporting of child abuse;
(10)procedure for notifying parents of field trips;
(11)procedure for transportation of children;
(12)procedure for caring for children who arrive late for field trips when that child's group has already left the programs;
(13)meals and snacks, including days when children are on field trips; and
(14)discipline policy.

(b) **Personnel policy**. When the program has more than 10 staff persons written personnel policy shall be provided to staff and which includes:

(1) job responsibilities, qualifications and lines of authority; and
(2) staff performance evaluation and termination procedure.

(c) **Access to the program.** Parents of enrolled children shall be permitted reasonable access to all parts of the program's physical facility during hours of operation.

Section 41. Records

(a) **Program records.** Licensing staff have access to records and reports in accordance with the requirements contained in this Section.

(b) **Children's records.** Records are obtained for each child in the program at the time of admission and regardless of the length of time in the program.

(1) All records are kept current.
(2) Identification and health records are kept on forms provided by the Department or on other forms that contain:
(A) the child's name, date of birth, name of parent(s), home address, parents' place of employment, and telephone numbers;
(B) the name and telephone number of a responsible person to contact in an emergency if the parent(s) cannot be located promptly;
(C) permission of the parent authorizing the center to transport the child for emergency medical care;
(D) name of person(s) permitted to pick up the child;
(E) health information;
(F) current immunization record;
(G) name, address and telephone number of a physician to call in an emergency;
(H) date of acceptance and withdrawal from the program; and
(I) medication/transportation permission if applicable.

(3) Children's records are kept at the facility and available to staff during all hours of program operation.

(4) Daily attendance records for each child are maintained and kept readily available for a minimum of 120 days.

(c) **Staff records**. Staff records that are required to be completed and maintained at the facility or made available to licensing are:

(1) staff information sheets provided by the Department which include:

(A) name, date of birth, address, telephone number, and social security number;

(B) education;

(C) references including previous employers if any, (by name, address, telephone number and dates of employment);

(D) a statement regarding criminal history and child abuse investigations;

(2) criminal history investigations with records maintained in a confidential manner and not made a part of the individual's personnel records pursuant to Section 404.1 of Title 10 of the Oklahoma Statutes.

(3) staff health records which include at a minimum:

(A) report of an annual tuberculin test and/or a chest x-ray if indicated;

(B) a report of an examination by a licensed physician or mental health professional when there is concern about an employee's ability to perform normal duties because of a possible physical, mental or emotional problem. See Section 42(c)(3)-(4), page 8, and (e)(2), page 9, regarding requirements for employees; and

(4) attendance records for each staff.

Section 42. Requirements for part-day program employees

(a) **General**. All employees are required to be of good character and possess adequate education, training and experience to provide them with the skills to perform the essential functions of the job with or without reasonable accommodation. Each employee is required to:

(1) provide documentation annually that he or she meets the health and training requirements contained in this Part;

(2) recognize and act to correct hazards to physical safety, both indoors and outdoors;

(3) be able to work with children without recourse to physical punishment, mistreatment or child abuse; and

(4) demonstrate good judgment as evidenced by prudent and responsible behavior that reasonably ensures the health and safety of children in the program.

(b) **Criminal history investigations**. Requirements for programs pertaining to criminal history investigations are contained in this subsection.

(1) **Owner or director responsibility**. The program's owner or director arranges for a criminal history investigation for:

(A) any person making application to establish or operate a part-day children's program;

(B) each applicant for employment prior to hiring, including all caregivers, substitutes, auxiliary staff and any other person employed by the program;

(C) others who have unsupervised access to children, such as lab students, WEP workers, volunteers, contracted staff or custodians; and

(D) adults, including providers' spouses or adult children, who live in the facility.

(2) **Exceptions**. Criminal history investigations are not required for:

(A) new staff who have documentation of criminal history investigations within the last 12 months;

(B) staff who move to a new program operated by the same organization;

(C) contracted staff who provide transportation, lessons or other services if facility staff are present with children at all times;

(D) parent volunteers who transport children on an irregular basis; and

(E) providers' children who become adults (age 18) during continuous residence at the licensed facility.

(3) **Authorized agencies**. Criminal history investigations are acceptable only when:

(A) conducted by the Oklahoma State Bureau of Investigation (OSBI); and

(B) conducted by the authorized agency in the previous state of residence if the individual has resided in Oklahoma less than one year.

(4) **Sex Offenders Registry**. The OSBI report must include a search of the Department of Corrections' files maintained by the OSBI pursuant to the Sex Offenders Registration Act.

(c) **Restrictions**. The Program requirements contained in this subsection restrict certain individuals from employment.

(1) The program is restricted from knowingly employing a person who:

(A) has entered a plea of guilty or nolo contendere (no contest) or been convicted of:

(i) any criminal activity involving violence against a person;

(ii) child abuse or neglect;

(iii) possession, sale or distribution of illegal drugs;

(iv) sexual misconduct; or

(v) gross irresponsibility or disregard for the safety of others.

(B) is required to register pursuant to the Sex Offenders Registration Act [50 O.S., § 581 et seq.]; or

(2) The program director may request a waiver from the requirements in (1) of this subsection. However, a waiver may not be requested or granted to any person who has been convicted of a sex offense pursuant to the Sex Offenders Registration Act.

(A) The waiver request is made in writing to the Department and considered by the statewide licensing coordinator.

(B) The person for whom the waiver is requested cannot be employed until a decision has been made.

(3) Any person whose health or behavior would endanger the health, safety or well-being of children is prohibited from being on the premises or having contact with children in care.

(4) An employee under the effects of alcohol, illegal drugs or medication which impairs functioning is prohibited from providing child care services.

(d) **Child abuse.** The program complies with the requirements pertaining to child abuse contained in this subsection.

(1) Any staff who has reason to believe that a child has been abused is required to promptly contact the county office of the Department of Human Services or the statewide toll-free Child Abuse Hot Line, 1-800-522-3511.

(2) Staff are required to cooperate fully in the investigation of any allegation.

(e) **Health**. Requirements pertaining to employees' health contained in this subsection are met.

(1) **Tuberculosis testing**. Upon employment, each employee and substitute who provides direct care to children on an average of twice a week and has not had a documented tuberculin skin test within the past 12 months, is required to have a mantoux (PPD) tuberculin skin test with a booster if needed unless he or she can show medical verification of a previous positive tuberculin skin test. This includes auxiliary staff, regular substitutes, volunteers and adult household members if the program is located in a private home.

(A) Only tests read by a licensed medical professional are accepted.

(B) Annual mantoux (PPD) tuberculin tests are required.

(C) Employees with a new positive skin test reaction to the tuberculin skin test are required to have a chest x-ray. Employees with a previous history of a positive tuberculin skin test are required to present documentation of a chest x-ray. Further x-rays are not required unless signs or symptoms develop that are suggestive of tuberculosis.

(D) Employees with a positive skin test reaction are required to submit annual documentation by medical personnel that signs or symptoms of tuberculosis are not present.

(2) **Other health problems.** If it is reported or observed that an employee has a physical, mental or emotional condition that impairs his or her ability to perform assigned job responsibilities, a report of a physical or psychological examination by a licensed physician or mental health professional may be required by Licensing.

(f) **Employee qualifications**. Program employees are required to comply with the requirements contained in this subsection which are applicable to their positions.

(1) **Director**. A director hired after the effective date of these requirements is required to be at least 21 years of age, have a high school diploma or GED and one year of satisfactory experience in a child care or part-day children's program.

(2) **Teachers**. Teachers hired after the effective date of these requirements are required to be at least 18 years of age.

(3) **Assistant teachers.** Assistant teachers are at least 16 years of age.

(g) **Responsibilities**. Program employees are required to comply with applicable requirements contained in this subsection.

(1) **Director**. The director is the person responsible for the day to day operation of the program and is responsible for:

(A) appointing a staff member to take responsibility for the operation of the program in the director's absence;

(B) maintaining a facility which meets the minimum requirements;

(C) arranging for criminal history investigations;

(D) obtaining and documenting three references, excluding relatives, for new staff;

(E) supervising the conduct of staff, volunteers or others who provide services in the facility; and

(F) cooperating with licensing representatives and other appropriate agencies in maintaining compliance with requirements or improving the quality of care.

(2) **Teachers.** Teachers have primary responsibility for the direct care of children.

(3) **Assistant teachers.** Assistant teachers work under the on-site supervision of a qualified director or teacher who is readily available at all times.

(A) A director or teacher does not directly supervise more than two assistant teachers.

(B) Assistant teachers do not have sole responsibility for a group of children for more than three hours a day.

(4) **Volunteers.** Volunteers counted in the staff-child ratio are required to meet all requirements set forth in this Part.

(A) Volunteers are under the direct supervision of the director or a designated staff member.

(B) Persons who volunteer on a regular basis are tested for tuberculosis.

(5) **Substitutes.** Substitutes are required to carry out the assigned responsibilities of the position they are filling.

(h) **Professional development**. Requirements pertaining to professional development contained in this subsection are met.

(1) **Orientation**. Each director and staff member is required to receive orientation to include:

(A) infection control;

(B) injury prevention;

(C) handling common childhood emergencies, including choking;

(D) the program's policy and procedure and staff responsibility for implementing them;

(E) Requirements for Part-day Child Care Programs;

(F) staff's assigned duties and responsibilities;

(G) emergency procedures in the event of injury, severe weather, fire, including use of fire extinguishers, etc.;

(H) the definition, identification and mandatory reporting of child abuse and neglect;

(I) the daily schedule;

(J) the method used to inform staff of any special health, nutritional or developmental needs of children in the program; and

(K) confidentiality of information regarding children and their families.

(2) **Health and safety training**. All staff are required to comply with the health and safety training requirements contained in this paragraph.

(A) There is staff on the premises whenever children are in care and on any program-sponsored field trip who have current documentation of pediatric first aid training, including rescue breathing and first aid for choking, provided by the American Red Cross or its equivalent, for example, American Heart Association or National Safety Council for First Aid Training Institute.

(B) The instruction includes the emergency management of:

(i) bleeding;

(ii) burns:

(iii) poisoning;

(iv) choking;

(v) injuries, including insect, animal and human bites;

(vi) shock;

(vii) convulsions or nonconvulsive seizures;

(viii) musculoskeletal injury, for example, sprains, fractures;
(ix) dental emergencies;
(x) head injuries;
(xi) allergic reactions;
(xii) eye injuries;
(xiii) loss of consciousness;
(xiv) electric shock; and
(xv) drowning.

(3) **On-going training**. The director and staff are required to obtain training that is relevant to job responsibilities including age-appropriate childhood education. Training may include workshops, conferences, use of videos, and other such training.

(4) **Food service training**. Within one year of employment, the person primarily responsible for food service is required to receive training in nutrition planning; age-appropriate food selection; food preparation, service and storage; cleaning and sanitizing equipment and utensils.

(5) **Documentation of training**. Training is documented for each staff member and includes the topic, training provided and date.

Section 43. Supervision of children

(a) **General**. The program shall ensure that all children are adequately supervised at all times. [See definition of "supervision of children" contained in Section 36, page 3.]

(1) When the program provides or arranges for activities off the premises, there shall be an adult staff member with each group, and appropriate staff ratios shall be maintained.

(2) When play areas are accessible to the public, boundaries shall be identified to children. Supervision of enrolled children shall be possible, e.g., space reserved for program use only, children easily identifiable to staff.

(b) **Infants, toddlers and twos**. Staff required to meet staff-child ratios shall be present in the room and able to see and hear all children at all times including nap time.

(c) **Preschool-age children**. At nap time, when children are resting quietly, at least one staff person shall be within vision and hearing of children. Other staff required to meet staff-child ratios shall remain in the building.

(d) **School-age children**. Children shall generally be within the vision or hearing of staff. However, staff may assess whether children, who have a good understanding of the program's rules and policies regarding appropriate behavior, shall have the privilege of taking part in a short-term activity that is not within the vision or hearing of staff. Staff shall make personal contact at least every 10 minutes.

(1) Staff shall be able to provide immediate intervention if needed.

(2) Staff shall know the whereabouts of each child at all times and the nature of his or her activities.

(e) **Staff-child ratios**. The number of children in a group is limited to facilitate staff-child interaction and constructive activity among children.

(1) There shall be staff present with the children to correspond with the chronological age and grouping of the children present. There shall be a substitute staff member present in the absence of regular staff.

(2) The requirements for staff-child ratio and maximum group size listed in (A) - (J) of this Paragraph shall be met. Each group of children shall meet one of the staff-child ratio selections listed. Either a single-age grouping or a mixed-age combination may be used as needed to accommodate low attendance, special activities or sibling groups. The requirements for staff-child ratio and maximum group size are:

(A) infants (0 through 9 months)
  (i) staff-child ratio is 1:4
  (ii) maximum group size is 8;

(B) toddlers (10 through 23 months)
  (i) staff-child ratio is 1:6
  (ii) maximum group size is 12;

(C) two-year olds
  (i) staff-child ratio is 1:8
  (ii) maximum group size is 16;

(D) three-year olds
  (i) staff-child ratio is 1:12
  (ii) maximum group size is 24;

(E) four and five-year olds
  (i) staff-child ratio is 1:15
  (ii) maximum group size is 30;

(F) six-year olds and over
  (i) staff-child ratio is 1:20
  (ii) maximum group size is 40;

(G) 0 through 35 months
  (i) staff-child ratio is 1:6 (no more than 2 under 10 months per staff)
  (ii) maximum group size is 12;

(H) 0 through school age
  (i) staff-child ratio is 1:8 (no more than 2 under 2 years per staff)
  (ii) maximum group size is 16;

(I) 2 through school age
  (i) staff-child ratio is 1:12 (no more than 4 2-year olds per staff)
  (ii) maximum group size is 24;

(J) 3 through school age
  (i) staff-child ratio is 1:15 (no more than 6 3-year olds per staff)
  (ii) maximum group size is 30; and

(K) 4 through school age
  (i) staff-child ratio is 1:18 (no more than 8 4-year olds per staff)
  (ii) maximum group size is 36.

(3) In any other grouping not listed in (2) of this subsection, the age of the youngest child shall determine the ratio and maximum group size.

(4) A group is determined by the number of children being cared for by the same caregiver or group of caregivers in a designated area.

(A) Groups shall have assigned staff and be recognizable by both staff and children.

(B) If more than one group of children uses the same room and includes children under three years of age, the room shall be physically divided by the use of

furnishings, dividers, temporary or permanent walls. For groups of children over three years of age, there shall be well-defined areas that are appropriately equipped for each group of children.

(C) Groups, with their assigned staff, may be combined for special group activities, e.g., outdoor play, meals, sleeping, field trips. Designated area requirements will not apply during these activities.

(f) **Swimming guidelines**. Staff-child ratios listed in (1)-(6) of this subsection shall apply when children are swimming and are not participating in swimming lessons with a certified instructor. [Also see Section 49, page 23 regarding supervision of children engaged in water activities.] Staff-child ratios when children are swimming are:

(1) under 2 years, a staff-child ratio of 1:1;
(2) 2-year olds, a staff-child ratio of 1:2;
(3) 3-year olds, a staff-child ratio of 1:6;
(4) 4 and 5-year olds, a staff-child ratio of 1:7;
(5) 6-year olds and over, a staff-child ratio of 1:10; and
(6) When children of two or more ages are grouped together, staff ratio for the youngest child shall apply.

Section 44. Physical facilities

(a) **Location and construction.** The program shall be located in an area which offers minimum hazards to the health, safety and welfare of the children.

(1) The facility shall comply with the building codes and food service regulations applicable at the issuance of its license.

(2) Heating and cooling systems shall be operable and meeting fire safety requirements [see Section 49.7, pages 36-38].

(3) Any alteration, addition or new construction shall comply with current requirements.

(A) Paint containing lead in excess of 0.06 per cent shall not be used when surfaces are repaired or when any new surfaces accessible to children are painted.

(B) Construction, remodeling or alterations of structures taking place during a program's hours of operation shall be done in a manner that prevents hazards or unsafe conditions, e.g., fumes, dust, safety hazards.

(4) A program shall have approval from the health department if meals are prepared and served and from the fire department.

(5) A warm, dry properly ventilated basement may be used if approved by the fire official.

(b) **Auxiliary spaces.** The program shall comply with the requirements regarding auxiliary spaces contained in this subsection.

(1) **Capacity.** The areas listed in this subsection are auxiliary spaces and shall not be counted in determining the capacity of the program:

(A) bathrooms and kitchens;
(B) offices, teachers' lounges and work rooms, and hallways;
(C) rooms used exclusively for the care of ill children;
(D) areas used exclusively for eating, napping or large muscle play;
(E) storage closets, supply rooms; and
(F) space occupied by furniture not for children's use.

(2) **Toileting and handwashing facilities.** Toileting and handwashing facilities shall:

(A) be located in the same building where the children are in the program;

(B) be easily accessible to children and staff;
(C) contain operable flushing toilets and hand sinks in good repair;
(D) be maintained in a clean and sanitary condition with adequate ventilation;
(E) contain toilet paper within easy reach of children;
(F) have non-absorbent floor surfaces in toilet areas;
(G) have hand sinks with hot and cold or tempered running water (the temperature between 100 and 120 degrees F.). If the temperature exceeds 120 degrees, a tempered valve shall be used;
(H) contain soap for handwashing within easy access of children;
(I) contain individual sanitary towels or mechanical hand dryers and waste containers within easy access of children;
(J) have one toilet and one sink for every 15 children;
(K) potty chairs to facilitate toilet training for children which shall not be counted as meeting the required number of toilets.
(L) empty and sanitize potty chairs immediately after each use;
(M) have bathroom doors which need not be self-closing. However, when a bathroom is used only by preschool children, bathroom doors are not required; and
(N) rooms in which children under three years of age are in diapers, have an operable sink with hot and cold or tempered water, either in the same room or in a bathroom that opens directly into the room. [See Section 47(c)(6), page 21.]

(3) **Kitchens.** Kitchens shall be a separate area built, remodeled or arranged in such a way as to discourage unsupervised access by children or unauthorized persons.

(c) **Safety and sanitation.** The program shall comply with the safety and sanitation requirements contained in this subsection.

(1) **Physical environment**. The program shall:
(A) maintain a structurally sound interior and exterior in good exterior in good repair, e.g., walls and ceilings free from holes, peeling paper and paint;
(B) provide barriers with openings of no more than four inches on porches, elevated walkways and elevated play areas of more than two feet in height;
(C) provide railings for stairways of four or more steps, both steps, both inside and outside;
(D) maintain floors free of broken tile, torn carpet and holes;
(E) maintain windows and doors free of broken glass and/or other hazards;
(F) mark clear glass doors at children's eye level;
(G) maintain window and door screens to minimize entry of insects;
(H) provide self-closing apparatus on all screen and storm doors;
(I) maintain an indoor temperature between 65 and 85 degrees F.;
(J) maintain lighting levels that are bright enough to accommodate activities with comfort and allow staff to see children's facial features at all times.
(K) be kept clean and sanitary at all times by:
(i) cleaning up spills and soil immediately;
(ii) sweeping and/or mopping floors daily;
(iii) vacuuming carpets and spot-cleaning as needed;
(iv) wet scrubbing carpeting when visibly soiled;
(v) cleaning walls and ceilings when visibly soiled;
(L) be kept free of vermin infestation including rodents and insects;

(M) provide a room or space in which children who become ill can be separated from other children; and

(N) prohibit the use of tobacco products on the premises during program hours. (If smoking is permitted outside the facility, it shall be limited to a designated area out of the presence of children.)

(2) **Emergency preparedness**. The program shall:

(A) have immediate access to an operable direct-line telephone for both incoming and outgoing calls;

(B) post by each telephone the name and address of the facility and a list of emergency phone numbers to include the fire department, police department, ambulance service, medical resource to be used and poison control (1-800-522-4611); and

(C) conduct and document a fire drill on an average of one time each month a program is in session and a tornado drill each spring.

(3) **Hazards**. The program shall:

(A) be free of hazards;

(B) store cleaning materials, detergents, aerosol cans, pesticides, health and beauty aids, poisons and other toxic materials in their original labeled containers so that they are inaccessible to children; if smaller containers are used for these products, they shall be properly labeled with the product name, and warning information shall be maintained at the facility;

(C) store medicines, cleaning solvents, and/or hazardous items so that they are inaccessible to children and in a manner which prevents contamination of food;

(D) ensure that firearms, pellet or BB guns, bows and arrows, darts, cap guns or fireworks are inaccessible to children; firearms shall be stored unloaded in a locked cabinet separate from ammunition;

(E) keep all compressed gas cylinders used for helium or other gases secured in such a way as to prevent the cylinders from falling over;

(F) ensure that electrical cords are inaccessible to infants and toddlers;

(G) remove any plant that is toxic from any area that is accessible to children;

(H) ensure that pesticides or other toxic chemicals are used in strict compliance with label instruction and applied when children are not present; and

(I) keep containers or buckets of standing liquid inaccessible to children unless as part of a planned and supervised learning activity.

(4) **Animals**. If animals are kept on the premises, the program shall comply with the requirements in (A)-(M) of this paragraph.

(A) Parents shall be advised of the presence of animals.

(B) Any pet or animal present at the facility, indoor or outdoors, shall be in good health, show no evidence of carrying disease, be friendly toward children, and present no threat to the health, safety and well-being of children.

(C) Animals shall be maintained in a visibly clean manner.

(D) Any animal, including birds, hamsters, dogs, cats, etc., having evidence of disease, e.g., diarrhea, skin infection, severe loss of appetite, weight loss, lethargy or any unusual behavior or symptoms, shall be isolated and examined by a licensed veterinarian.

(E) Local ordinances pertaining to animals on the premises shall be followed.

(F) Dogs and cats shall be vaccinated for rabies and maintained on a flea, tick and worm control program.

(G) When vaccination are required, proof of current compliance of current compliance shall be kept on file.

(H) No ferrets, turtles, birds of the parrot family or any wild or dangerous animal shall be kept at the program.

(I) Animals shall be restricted from areas where food is stored, being prepared and/or served.

(J) Areas of confinement, i.e., cages, pens, shall be cleaned of excrement daily.

(K) Animal litter boxes shall not be located in kitchens or areas accessible to children.

(L) Outdoor play areas shall be cleaned of excrement daily or more often as needed.

(M) In the event that an animal bites a child and the skin is broken, the program shall immediately notify the child's parent and the county or state health department and document this in the program's records.

(d) **Licensed capacity.** The total licensed capacity of a part-day program is determined by separately computing the capacities for indoor space, outdoor space and bathroom facilities. The licensed capacity shall not exceed the lowest computed capacity for indoor space, outdoor space and bathroom facilities. The maximum number of children being cared for by the facility, on or off the premises at any one time, shall not exceed the number of children specified on the license.

(1) **Indoor play space**. Programs shall comply with the requirements for indoor space contained in this paragraph.

(A) Programs shall have a minimum indoor play space of 35 square feet of floor area per child which is routinely used by children. This does not include auxiliary spaces.

(B) No room shall be routinely occupied by more children than can be accommodated at 35 square feet per child. Play space that cannot accommodate children at 35 square feet per child may be used for a limited period of time.

(C) A large area, such as a gymnasium, may be used in addition to other space. However, it may be counted toward the licensed counted toward the licensed capacity for preschool and school age children only if it is divided into well-defined areas that are appropriately equipped.

(2) **Outdoor play space**. The program shall meet the requirements for outdoor play space contained in (A)-(D) of this paragraph.

(A) When a program is licensed for less than 24 children, there shall be a minimum outdoor play space of 75 square feet per child for the total licensed capacity.

(B) When a program is licensed for 24 or more children, there shall be 75 square feet per child of outdoor play space for at least one-third of the total number for which the program is licensed, provided that the minimum amount of outdoor space will accommodate 24 children (1800 square feet).

(C) Part-day programs operating prior to the effective date of the requirements in this Part may request an exemption from the requirements contained in (A)-(B) of this paragraph if no child attends for more than three hours a day.

(D) Programs licensed for 24 or more children providing outdoor play space of less than 75 square feet per child shall:

(i) plan a time schedule to show when every group of children is outdoors so that every child has an opportunity for outdoor play each day;

(ii) submit a copy of the current schedule to the Department; and

(iii) post a copy of the current schedule so that parents and staff members are aware of the outdoor play periods.

Section 45. Indoor equipment

(a) **General**. The required equipment will assist staff in providing for the physical, intellectual, emotional and social development of each child.

(1) A variety of equipment shall be accessible to all children on a daily basis.

(2) Play equipment shall be:

(A) complete, sturdy and in good working condition;

(B) maintained in a safe and sanitary condition;

(C) lead free, e.g., crayons, paint;

(D) of appropriate size and type to meet the developmental needs of that age group;

(E) provided in quantities proportionate to the number of children in each age group and the number of children for which the program is licensed.

(3) Sleeping equipment and bedding shall meet the requirements in Section 49.1, page 24.

(4) Indoor climbing equipment over four feet high shall have impact-absorbing mats in fall zones.

(5) To ensure safety, staff shall monitor play equipment for potential hazards, e.g., toys with strings, loose parts, sharp edges, etc.

(6) The director shall constantly re-evaluate equipment as enrollment varies.

(b) **Minimum equipment for infants.** When infants are in care, the requirements listed in this subsection shall be met.

(1) Basic items required are:

(A) crib or playpen with mattress, one per child;

(B) crib sheets and covers, one of each per child;

(C) high chair, one for every four infants;

(D) diaper-changing table;

(E) adult-height shelf;

(F) individual adult-size chair for each staff person;

(G) separate individual space for personal belongings;

(H) adequate container with tight-fitting lid or moisture-proof bags for soiled or wet diapers or clothing;

(I) adequate supply of diapers, facial tissue, disposable wipes or wash cloths, soap, bath towels, etc.;

(J) extra supply of sheets and covers.

(2) Cribs shall meet the requirements for safety contained in (A)-(D) of this paragraph.

(A) Cribs, port-a-cribs and playpens shall not have more than two and 3/8-inches between slats or between the side and end-panels.

(B) Decorative cutout areas in crib end panels or tall decorative knobs on the corner posts, which can entrap a child's head or catch his or her clothing, are prohibited.

(C) Mattresses shall fit the crib snugly with no more than one inch between the mattress and crib.

(D) Drop-side latches shall hold sides securely and not be reachable by the child in the crib.

(3) Mattresses and playpen pads shall be at least one-inch thick and covered with a durable, washable, water-proof, form-fitting material.

(c) **Minimum equipment for toddlers.** When toddlers are in care, the requirements listed in this subsection shall be met.

(1) Basic items required are:

(A) a crib or playpen with mattress, mat or cot, one per child;

(B) a sheet and cover, one of each per child;

(C) adequate table and chair space or high chairs as needed for meals and snacks;

(D) baskets or low open shelves for toy storage;

(E) separate individual space for personal belongings;

(F) an adult-height shelf;

(G) a diaper-changing table;

(H) adequate containers with tight-fitting lids or moisture-proof bags for soiled or wet diapers or clothing; and

(I) an adequate supply of diapers, wash cloths, soap, bath towels, facial tissue, disposable wipes, extra supply of sheets, covers, etc.

(2) The program shall comply with crib safety features safety features listed in (b)(2) of this Section.

(3) Mattresses and playpen pads shall be at least one-inch thick and covered with a durable, washable, water proof, form-fitting material.

(d) **Minimum equipment for two-year-olds.** When two-year-old children are in care, the basic items required are:

(1) a cot, bed or mat with a sheet and cover for each resting or ill child;

(2) adequate table and chair space as needed for meals and snacks;

(3) separate individual space for personal belongings;

(4) baskets or low open shelving for toy storage;

(5) adequate containers with tight-fitting lids for soiled diapers; and

(6) an adequate supply of diapers, disposable wipes or individual wash cloths, soap, bath towels, facial tissue.

(e) **Minimum equipment for three-year-olds.** When three-year-old children are in care, the basic items required are:

(1) a cot, bed or mat with a sheet or cover, for each resting or ill child (see also Section 49.1(a), page 24 regarding parents being allowed to provide sleeping equipment);

(2) separate individual space for personal belongings;

(3) adequate table and chair space as needed for meals and snacks;

(4) two linear feet of low open shelves per child for play equipment; and

(5) an adequate supply of facial tissue, disposable wipes or individual wash cloths, soap and towels.

(f) **Minimum equipment for four and five-year-olds.** When four and five-year-old children are in care, the basic items required are:

(1) a cot, bed or mat with a sheet and cover, for each resting or ill child;

(2) separate individual space for personal belongings;

(3) adequate table and chair space as needed for meals and snacks;
(4) two linear feet of low open shelves per child for play equipment; and
(5) an adequate supply of facial tissue, disposable wipes or individual wash cloths, soap and towels.

(g) **Minimum equipment for school-age children.** When school-age children are in care, the basic items required are:
(1) a cot, bed or mat with a sheet and cover for each resting or ill child;
(2) adequate table and chair space as needed for meals and snacks;
(3) separate individual space for personal belongings;
(4) two linear feet of shelving space per child which shall be accessible to children and may be at various heights;
(5) safe storage for on-going projects and small items;
(6) an adequate supply of facial tissue, disposable wipes or individual wash cloths, soap, towels, and feminine hygiene products; and
(7) sufficient clothing in various sizes in case of accidents.

Section 46. Outdoor safety and play equipment

(a) **Play space**. The program shall meet the play space requirements contained in this subsection.
(1) Play space shall be situated to:
(A) permit children to reach it safely;
(B) provide a shaded area; and
(C) allow supervision of areas where children cannot be easily seen.
(2) Play space shall be enclosed by a building or fence at least four feet high with at least one exit which is away from the building. However, when care is provided for school-age children only, fencing is not required on all sides if properly protected from traffic and other hazards.
(3) The fence shall:
(A) begin at ground level;
(B) be at least 48 inches high; and
(C) be maintained in a stable, secure, upright and good condition.
(4) An exemption from the requirements contained in (2)-(3) of this subsection may be requested when children's safety can be assured. The request shall be submitted in writing to the statewide licensing coordinator for approval.
(5) Gates shall be kept closed while children are outside.
(6) Play space shall be maintained:
(A) in a safe and clean condition;
(B) free of hazards; and
(C) free from tall weeds and grass, untrimmed shrubbery, standing water, litter, etc. to prevent vermin and insect infestation.

(b) **Surfaces**. Requirements pertaining to surfaces in play areas contained in this subsection shall be met.
(1) Outdoor play areas shall have more than one type of surface.
(2) All climbers, swings, slides or revolving equipment shall have impact-absorbing surfaces under them and throughout the fall zone [see definition in Section 36, page 3].
(A) Impact-absorbing materials include loose materials (bark mulch, pea gravel, shredded tires, etc.) or compact materials (outdoor rubber mats, synthetic turf, etc.).

(B) Grass shall only be acceptable as impact-absorbing material if the highest accessible part of the equipment is four feet or less. The highest accessible part of a swing structure is the height at which the chain attaches to the supporting structure.

(3) Fall zones shall extend a minimum of six feet in all directions from the perimeter of the equipment. Fall zones for adjacent equipment may overlap for existing equipment that is permanently anchored. When equipment is moved or added, the fall zones for adjacent equipment shall not overlap. However,:

(A) the fall zone for traditional swings that move forward and backward in which children are not secured by a bar or strap shall extend to the front and rear of the swing a distance of two times the length of the swing's chain;

(B) the fall zone for swings that move in a circle, e.g., tire swings, shall extend in every direction a distance of six feet plus the length of the chain; and

(C) fall zones on the sides of equipment may not be necessary if the potential for falls in that direction is minimal, e.g., the sides of a swinging structure.

(4) Surfaces made of loose materials shall be maintained at a depth of at least six inches by means of replacing, leveling or raking.

(5) Surfaces of impact-absorbing materials, such as rubber mats, gym mats and synthetic turf, shall be designed to cushion falls of up to five feet. Documentation of the cushioning properties of the material shall be presented to the Department.

(6) Turf and matting shall be maintained by repairing rips, tears and loose seams.

(c) **Playground safety**. The requirements contained in this subsection shall be met.

(1) Equipment shall be age-appropriate and of sturdy, safe construction, easy to clean, free of hazards, and kept in good repair.

(A) Equipment shall have no angles or openings that could entrap any part of a child's body or head.

(B) There shall be no pinch, crush or shear points on equipment, e.g., exposed or open gears on rotating devices or underneath equipment such as axle assemblies on rotating devices.

(C) Equipment shall be installed, maintained and used in accordance with the manufacturer's instructions.

(D) Unless portable by design, equipment shall be securely anchored, and anchors shall pose no hazard to children.

(2) Play space and equipment shall be arranged so that there is no hazard from conflicting activities.

(3) Fall zones shall be free of all obstacles.

(4) Swing seats shall be constructed of durable, light-weight, relatively pliable material, e.g., nylon webbing, rubber, plastic.

Section 47. Care of infants, toddlers and two-year-olds

(a) **Environment.** Infants, toddlers and two-year olds shall be in an environment which protects them from physical harm and stimulates physical, intellectual, emotional and social development.

(b) **Feeding**. Infants and toddlers shall be fed the infant formula and diet prescribed by the child's physician or authorized by the child's parent.

(1) Infants up to the age of six months shall be held while being bottle-fed. Bottles shall not be propped by any means at any time or placed in cribs.

(2) Infants of more than six months shall be held while bottle-fed until they are able to hold their bottles securely.

(A) Staff shall be discouraged from placing children in bed with bottles due to increased risk of choking, ear infections and tooth decay.

(B) Bottles shall be removed at once when empty or when children have fallen asleep.

(3) Infants and toddlers no longer being held for feeding shall have a definite place for eating. They may sit in infant seats, high chairs with a safety strap or in low chairs at low tables without restraints.

(4) Staff members shall wash their hands thoroughly with soap and water before feeding children including bottle-feeding.

(5) Bottles and baby food provided by parents shall be labeled with the child's name.

(6) Baby foods that have come into contact with the feeding spoon shall be discarded.

(7) If microwave ovens are used, the requirements contained in (A)-(B) of this paragraph shall be met.

(A) Staff shall be trained in assessing proper temperatures.

(B) A warning to check food temperature before feeding children shall be posted on all microwave ovens.

(c) **Diaper changing**. The program shall comply with the requirements pertaining to diaper changing listed in this subsection.

(1) Staff shall be instructed in the proper procedure for diaper changing and the procedure for diaper changing shall be posted in the diaper-changing area.

(2) If cloth diapers and training pants are used, they shall not be rinsed when soiled. Fecal content may be disposed of in a toilet, but soiled diapers or training pants shall not be rinsed in the toilet.

(3) If disposable gloves are used, staff shall discard them immediately after each diaper change and wash their hands.

(4) Staff members shall wash and scrub their hands thoroughly with soap and warm, running water after each diaper change.

(5) Diapers shall be changed promptly when wet or soiled.

(6) Rooms in which children under three years of age are in diapers shall have an operable sink with hot and cold running water either in the same room or in a bathroom that opens directly into the room. This does not include:

(A) rooms in which children, who are at least two years of age, are in disposable or cloth training pants if adequate provisions are made for supervision and sanitation; and

(B) programs licensed for 15 or fewer children in buildings originally designed as a family residence if:

(i) there is a centrally located bathroom sink with a changing table nearby; and

(ii) children in diapers play throughout the house rather than in an assigned room.

(7) The diaper-changing table shall be:

(A) adjacent to or near the sink with a clean and moisture-proof surface;

(B) sturdy and maintained in good repair;

(C) a minimum of three feet above the floor; and

(D) kept free of all objects except those used for diaper changing.

(8) The surface shall be sanitized after each diaper change. If moisture-proof disposable surface products are used, staff shall discard them immediately after each diaper change and sanitize the surface.

(9) Individual clean washcloths, towels or disposable towelettes shall be used to thoroughly cleanse the child and shall be washed or discarded after each use.

(10) Clean cloth diapers or clean disposable diapers shall be used.

(11) Soiled items shall be placed in a sealed moisture-proof bag or stored in a covered container which is cleaned daily.

(12) Children shall not be left unattended on the diaper-changing table.

(13) If disposable gloves are used, staff shall discard them immediately after each diaper change and wash their hands.

(d) **Toilet learning**. The plan and progress in toilet learning shall be discussed with the parents.

(1) Toilet learning shall be relaxed and pressure free.

(2) A child shall be encouraged through regular use of a toilet or potty chair for short periods of time not to exceed ten minutes.

(3) Staff shall respond promptly when a child requests toileting assistance.

(4) A child shall be encouraged for appropriate use of the potty chair or toilet.

(5) Staff shall not show disapproval or punish children for accidents.

(6) A child's clothing shall be changed immediately following a toileting accident. Soiled clothing shall be placed in a sealed moisture-proof bag to be sent home.

(7) Staff shall wash their hands with soap and water after each toileting and shall assist children with handwashing.

(e) **Program**. Staff shall be present in each room occupied by children at all times.

(1) To ensure consistency and stability in meeting the needs of infants, toddlers and two-year-olds, care shall be provided by familiar staff members whenever possible.

(2) Children shall be:

(A) removed from their cribs often when not sleeping.

(B) provided with play equipment during the intervals they may be awake in their cribs; and

(C) provided opportunities to play freely on a clean, safe floor.

(3) Staff shall provide frequent stimulation in a variety of ways including talking to, playing with, and holding and rocking children.

(4) Language development shall be encouraged by staff members through individual interaction with each child, such as singing, talking, reacting to the child's sounds, naming objects, reading stories and playing musical games.

(5) Additional requirements regarding rest arrangements are found in Section 49.1, page 24.

Section 48. Learning experiences

(a) **Activities.** The program shall plan and provide a variety of learning experiences that are age and developmentally appropriate, meet children's needs and stimulate learning.

(b) **Television and videos.** Television and videos, if used, shall be age-appropriate and used with discretion and selectivity.

(c) **School-age children.** Staff shall have the skills and training to respond appropriately to the needs of school-age children.

Section 49. Water activities

(a) **Parental permission**. The program shall have on file written signed permission from parents for all children participating in swimming activities.

(b) **Supervision**. Any play activity which involves water shall be supervised constantly, including supervision of children in dressing areas.

(1) Staff-child ratios for swimming shall be met [see Section 43(f), page 13].

(2) Staff shall be in or at the water and prepared to enter it at any time.

(3) If children are using a pool with a depth of 18" or less of water, there shall be a staff member present who has successfully completed training in first aid and CPR appropriate to the ages of the children.

(4) If children are using a pool with a depth of more than 18" of water, a certified life guard shall be present.

(5) If the life guard is a staff member of the program, he or she:

(A) shall have satisfactorily completed a certified course of instruction in life guarding by or equivalent to that offered by the American Red Cross or YMCA and which includes CPR appropriate to the age of the children;

(B) shall not be counted in meeting the staff-child ratios; and

(C) shall not be responsible for more than 30 children.

(6) Swimming shall be prohibited when the appropriate number of staff members are not present.

(c) **Safety**. Each time children go swimming, staff shall first review all swimming and safety rules.

(1) Before children are permitted in water over their shoulders, their swimming skills shall be tested by a staff member.

(2) There shall be a system, known to children and staff, for checking the children when they are in the water.

(3) Lifesaving equipment shall be available at the pool side in accordance with the Oklahoma State Department of Health's publication, *"Design Standards and Operational Criteria for Public Bathing Places,"* OSDH Engineering Bulletin.

(d) **Swimming pools**. Swimming pools used by the program are considered public bathing places and include permanent wading pools, in-ground pools and above-ground pools.

(1) Swimming pools shall maintain water quality, occupancy and fencing standards as described in *"Design Standards and Operational Criteria for Public Bathing Places,"* OSDH Engineering Bulletin.

(2) Diving shall not be permitted unless the pool meets design criteria for a diving pool.

(e) **Restrictions**. The restrictions contained in this subsection shall be met.

(1) No ponds, pools, hot tubs, stock tanks or other potential water hazards shall be accessible to children.

(2) Swimming, wading and boating shall not be allowed at a lake, pond or other body of water. However, school-age children may participate in shore-line activities and boating if requirements contained in Section 49(b)(1)-(6) (above) are met.

(3) Children shall not be permitted to use saunas, spas or hot tubs.

(4) Portable wading pools shall not be permitted.

Section 49.1. Rest time

(a) **Rest arrangements for preschool children.** If a child needs to rest, sleeping equipment shall be provided. Parents may be allowed to bring sleeping equipment that is clean and sanitary and taken home each night.

(b) **Rest arrangements for infants, toddlers and two-year olds.** Requirements for rest arrangements for infants, toddlers and two-year olds are provided in this subsection.

(1) The program shall provide individually assigned cribs, port-a-cribs playpens with mattresses or pads [also see Section 45(b)(2), pages 17-18]. Children 10 months and older may sleep on a low cot or mat when able to stay on it.

(2) Infants' rest schedules shall correspond as closely as possible to their individual needs and schedules established by their parents.

(3) Pillows shall not be given to infants.

(4) Cribs, port-a-cribs and playpens shall be placed so that children occupying them shall not have access to cords or ropes, e.g., venetian blind cords.

(c) **Sleeping space and equipment.** All sleeping equipment shall be maintained in good repair, free of holes and tears, in a safe and sanitary condition.

(1) Sleeping equipment used by more than one child shall be sanitized after each child's use.

(2) The cribs, playpens, cots, beds or mats shall be spaced to allow easy access by staff and safe evacuation of children.

(3) If a program provides mats as sleeping equipment, the mats shall be at least one inch thick and covered with durable, washable, form-fitting, waterproof material. Inflatable mats shall not be permitted.

(4) Sheets and covers shall be changed whenever soiled. Crib sheets shall be changed at least daily and other bedding at least weekly.

(5) All cribs shall be accessible from more than one direction. However, consecutively attached cribs purchased prior to the effective date of these requirements are permitted if every other crib is not used.

(6) Stacked cribs playpens shall not be used.

(7) Children shall not be permitted to sleep on the floor without proper sleeping equipment.

(d) **Supervision**. The requirements pertaining to supervision contained in this subsection shall be met.

(1) Requirements pertaining to number and location of staff during nap time contained in Section 43(b)-(c), page 11, shall be met.

(2) The light level shall allow for all children to be observed at all times.

Section 49.2. Behavior and guidance

(a) **Appropriate discipline.** Discipline shall be constructive and educational in nature and appropriate to the child's age and circumstances.

(b) **Staff requirements.** All staff members shall:

(1) recognize and encourage acceptable behavior;

(2) teach by example and use fair and consistent rules in a relaxed atmosphere with discipline that is relevant to the behavior exhibited;

(3) give clear directions and provide guidance on the child's level of understanding;

(4) redirect children by stating alternatives when behavior is unacceptable;

(5) use "time-out" periods only as necessary and not to exceed five minutes for preschool-age children. (One minute of time-out for each year of a child's age is recommended.)

(c) **Acts prohibited.** No staff member shall:

(1) subject children to punishment of a physical nature, e.g., shaking, striking, spanking, swatting, thumping, pinching, popping, shoving, spatting, biting, hair pulling, yanking, slamming, excessive exercise or any cruel treatment that may cause pain;

(2) put anything in or on a child's mouth as punishment;

(3) restrain a child by any means other than holding for no longer than necessary for the child to regain control;

(4) subject children to punishment of a psychological nature, e.g., humiliation by derogatory or sarcastic remarks about them, their families, race, gender, religion or cultural background;

(5) subject children to harsh or profane language or actual or implied threats of physical punishment;

(6) punish and/or threaten children in association with food, rest or toilet training;

(7) isolate a child without supervision or place him or her in a dark area; or

(8) seek or accept parental permission to use any punishment or acts prohibited by the requirements contained in this subsection.

Section 49.3. Health

(a) **Cleanliness**. Staff shall attend promptly to children's personal hygiene needs.

(1) Caregivers shall thoroughly wash their hands with soap and warm, running water:

(A) before handling food;

(B) before feeding children or eating;

(C) after diapering or toileting;

(D) after touching or cleaning up body fluids including wiping noses; and

(E) after handling or feeding pets.

(2) Children shall be encouraged to wash their hands with soap and water before eating, after toileting, after handling pets and after playing outdoors or in sand or water.

(3) When a child over three years of age in diapers is cared for in a room without a diaper-changing area, arrangements shall be made for sanitary diaper-changing, hand-washing and privacy.

(4) A child's wet or soiled clothing shall be changed immediately, and a supply of clean clothing shall be available.

(5) Toys and items that are in contact with children's mouths shall be washed and sanitized after each child's use or as needed. If contaminated by other body fluids, toys and equipment shall be set aside to be washed and sanitized.

(6) Any toilet article, e.g., wash cloths, towels, combs, toothbrushes, shall be individually assigned and stored. Such articles shall not be used jointly by or on children.

(b) **Health records**. Upon admission of their child to a part-day program, parents shall be required to submit the child's immunization record, a listing of special health needs and the name of the child's physician.

(c) **Immunizations**. The program shall comply with the requirements pertaining to immunizations contained in this subsection.

(1) Children shall have or be in the process of obtaining all required immunizations at the medically appropriate time. However, if a program chooses to accept a child

for whom an exemption is claimed, documentation of the exemption shall be kept on file at the facility.

(2) As a general rule, healthy children between the ages of fifteen months and five years of age require at least:

(A) three doses of polio vaccine;

(B) four doses of DTP vaccine;

(C) one to four doses of HbCV (HIB) (depending on the child's first dose of HbCV); and

(D) one dose each of measles, mumps and rubella vaccines administered on or after the first birthdate.

(d) **Disease control**. At the time of enrollment, each program shall inform parents of the policy regarding ill children.

(1) Each child shall be carefully observed by staff members for symptoms of illness or infestation.

(2) Any child showing symptoms of illness or infestation shall be separated from the group. Parents or the child's physician shall be notified as needed.

(3) The local or state health department shall be notified upon discovery of any case of hepatitis, meningitis, Shigellosis, Giardiasis, measles, rubella, whooping cough, tuberculosis or any Hemophilus influenza invasive disease in any person associated with the program. If a program has concerns about the health of a child, the local or state health department may be contacted.

(4) Any cot or crib, bedding and play equipment shall be cleaned and sanitized following use by an ill child.

(5) Staff shall use disposable, nonporous gloves when cleaning up blood, vomit or body fluids that may contain blood. Disposable gloves shall be discarded immediately after use, and hands shall be washed.

(6) A commercial disinfectant or a bleach solution of two teaspoons of bleach to one gallon of water, made fresh daily, shall be used to disinfect surfaces whenever needed. For diaper changing the solution shall be two teaspoons of bleach to one-half gallon of water or one teaspoon bleach to one quart of water or one-half teaspoon of bleach to one pint of water.

(7) Parents shall be notified as soon as possible if their children have been exposed to a contagious illness.

(8) Staff persons with symptoms of a communicable disease or illness shall not be present in the program.

(e) **Medication**. The program shall comply with the requirements pertaining to medication contained in (1)-(8) of this subsection.

(1) When a child needs medication, the parent shall sign an authorization for the program to administer each medication. Directions for the proper amount (dosage), and time and days medication is to administered shall be recorded.

(2) If a child has a chronic medical problem, the parent may sign a medication authorization for up to a six-month period for prescribed medication to be given when symptoms occur. However, parents shall be notified whenever medication is administered.

(3) No prescription medication shall be given unless the medication being administered is a part of a prescribed therapeutic treatment.

(4) Medication shall be provided by the parent in the original container and labeled with the child's full name.

(5) Staff shall administer medication according to the label directions and only to the child for whom it is intended.

(6) To avoid duplication, each dosage administered shall be recorded by designated staff and the records readily available to parents.

(7) All medications shall be inaccessible to children and stored in a manner which prevents contamination of food.

(8) When medication is out-of-date or the child has withdrawn from the program, the medication shall be returned to the parent or disposed of properly.

(f) **Injuries**. The program shall:

(1) Notify parents as soon as possible of any known cuts, burns, animal bites or injuries that may need evaluation by a physician; and

(2) maintain a log or report of all injuries that occur at the program.

(g) **Emergency procedure.** Emergency procedure for severe injury or acute illness shall be written and prominently displayed in the facility. The emergency procedure shall contain the steps to be taken in case of emergency, including:

(1) administration of first aid and location of the first aid kit;

(2) name and telephone number of the emergency service, physician and/or clinic;

(3) notification of parent; and

(4) notification of Licensing Services regarding any incident addressed in the requirement contained in Section 39 (d)(3)(F)-(H), page 5.

(h) **First aid kits**. Readily available first aid kits shall be maintained in the program as well as on each field trip away from the facility.

(1) Each kit shall be a closed container for storing first aid supplies, accessible to staff at all times but inaccessible to children.

(2) First aid kits shall be restocked as needed.

(3) The first aid kit shall contain at least:

(A) disposable nonporous gloves;

(B) scissors, blunt-tipped;

(C) tweezers;

(D) thermometer;

(E) bandage tape;

(F) sterile gauze pads;

(G) rolled flexible or stretch gauze;

(H) non-medicated adhesive strips;

(I) current standard first aid text or equivalent first air guide; and

(J) syrup of ipecac which:

(i) shall be used as a vomiting agent **only** under direction of the poison control center or a physician;

(ii) the expiration date checked before use; and

(iii) the bottle labeled with the telephone number for poison control.

(4) First aid kits taken on field trips shall also include:

(A) liquid soap and water or individually packaged towelettes;

(B) pen/pencil and note pad;

(C) cold pack;

(D) coins for use in pay phone; and

(E) poison control center telephone number.

Section 49.4. Food and nutrition

(a) **Meals**. Children remaining in the program for over a four-hour period shall be served a meal.

(1) The program may permit children to provide their own meals.

(2) If a child fails to bring a meal, the program shall provide one.

(3) If the program provides meals on a regular basis, the meals shall meet at least one-third of the total daily nutritional requirements.

(4) Children shall be encouraged, but not forced, to eat.

(5) The program shall have refrigeration available for all perishable foods and milk at 45 degrees or below. A thermometer shall be in the refrigerator or ice chest.

(6) If an ice chest is used to refrigerate perishable foods or milk, the requirements contained in (A)-(C) of this paragraph shall be met.

(A) The food shall be served within four hours and shall not be reserved or re-refrigerated.

(B) Packaged food shall not be stored in contact with water or undrained ice.

(C) Wrapped sandwiches shall not be stored in direct contact with ice.

(b) **Food service plan**. The program shall file with the Department a statement of its food service plan and sample menu which reflects the hours of operation and includes meals if required and snacks if provided.

(1) Programs that provide food service shall meet the food service requirements contained in Section 49.6, pages 30-36.

(2) Programs providing limited food service [see definition in Section 36], including planned educational and learning experiences, are not required to meet the Food Service Requirements contained in Section 49.6, pages 30-36.

(3) Only non-potentially hazardous food items may be brought from individual homes for consumption by a group or groups of children in a part-day program.

(4) If potentially hazardous foods [see definition in Section 36] are prepared, the program shall meet the requirements contained in Section 49.6(c), page 31.

(5) All potentially hazardous foods shall be prepared and prepackaged in an approved facility meeting Food Service Requirements and transported, stored and served to maintain the safety of the product.

(c) **Menu posting**. The program shall comply with requirements pertaining to menu posting contained in this subsection.

(1) Current weekly menus of all foods provided by the program shall be posted at all times so that parents are aware of food being served to their children.

(2) Menus shall be closely followed, although reasonable substitutions are permissible if posted.

Section 49.5. Transportation

(a) **Program responsibility.** Whenever transportation, including field trips, is provided by paid staff or volunteers, all requirements regarding transportation shall be met.

(1) The program shall ensure that the vehicle and operator of a vehicle used to transport children are in compliance with all applicable state laws.

(2) The program shall have on file written permission from parents or guardian for transportation of their child.

(3) Parents shall receive prior notification of each field trip. Written parental permission is only required for participation in swimming and other potentially dangerous activities [See also Section 49, page 23].

(4) The program shall be responsible for supervision of the children beginning at the designated pick-up time.

(5) The driver is responsible for leaving the child only at the designated drop-off point or with the person designated by the parent. The program shall obtain written instructions and approval from the parent for such a plan.

(b) **Driver qualifications**. All drivers, including volunteers, shall be at least 18 years old and have an operator's license of the type appropriate for the vehicle that is valid in the driver's state of residence.

(c) **Staff-child ratios**. Staff-child ratios specified in this paragraph shall be met.

(1) When transporting children under four years of age, proper staff-child ratios shall be maintained without counting the driver. However, local transportation may be provided for children without a second staff person when:

(A) a program has only one staff person;

(B) when only one or two children will be transported; or

(C) no more than four children, who are at least two years of age, are being transported.

(2) For children four years old and above, the driver may be counted toward meeting the staff-child ratio.

(d) **Procedure**. Requirements pertaining to transportation procedure contained in this subsection shall be met.

(1) A schedule showing accurate route and itinerary shall be planned and kept at the program to show approximately where the vehicle is at all times.

(2) The driver shall be provided with:

(A) a copy of the scheduled route;

(B) the name, address and telephone number of the part-day program;

(C) names of children being transported; and

(D) a method to contact the children's parents in case of an emergency.

(3) Safe conduct to and from all vehicles and safe off-street loading space shall be provided so that the children are protected from backing vehicles, from being between vehicles, and from all traffic hazards.

(4) Attendance shall be checked whenever children are boarding and exiting the vehicle.

(5) Children shall not ride more than 60 minutes one way except for field trips.

(6) Children shall remain seated while the vehicle is in motion, and no part of a child's body may extend from windows.

(7) Vehicles containing children shall never be left unattended.

(8) The use of tobacco products is prohibited while children are being transported.

(e) **Passenger restraints**. Children who are being transported in a passenger car, station wagon, van, bus or truck shall be properly secured in a child passenger restraint system (car seat) or seat belt. However, buses with a capacity of 10 or more passengers that meet state and federal requirements for school buses are exempt from this requirement.

(1) Children under two years of age shall be secured in a car seat. However, a car seat is recommended for children up to four years of age.

(2) The car seat shall be federally approved; installed according to the manufacturer's instructions; appropriate to the height, weight, and physical condition of the child according to the manufacturer's instructions; and properly maintained.

(3) Children under the age of four shall be properly secured in a rear seat of the vehicle.

(4) Each seat belt shall be properly anchored to the vehicle and fit snugly across children's hips.

(5) All adult passengers, except those in a full-size school bus, and the driver shall be properly secured by seat belts unless the driver or passenger has written verification from a doctor licensed in this state that her or she is unable to use a seat belt for medical reasons.

(f) **Vehicle requirements**. All vehicles used to transport children shall meet the requirements contained in this subsection.

(1) A vehicle shall not be used to transport children in excess of the maximum seating capacity. (The maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity for children or on a minimum of 13 inches of seating space per child.)

(2) All passengers shall be able to sit comfortably in a stationary padded seat with a back that is properly anchored to the vehicle.

(3) Vehicles used to transport children shall be maintained in a clean, safe-operating condition, free of hazardous objects or other non-essential items which could injure children if thrown about as a result of a collision.

(4) Children shall not be transported in vehicles or parts of vehicles which were not designed for the purpose of transporting people, e.g., truck beds, campers, trailers.

(5) Each vehicle shall have door locks, and doors shall be kept locked whenever the vehicle is moving.

(6) The transporting vehicle shall be covered by medical and liability insurance as required by Oklahoma laws.

(7) A first aid kit as described in Section 3(h), page 27, shall be taken on each field trip.

(8) In addition, vehicles owned by the program shall:

(A) be visibly marked with the name of the facility or sponsoring organization; and

(B) have an operable heater, capable of maintaining a temperature of 50 degrees F. in the vehicle, and a ventilation system.

Section 49.6. Food service and sanitation requirements

(a) **General**. Programs providing food service shall meet the requirements contained in this Section [see also Section 49.4, page 28].

(1) Food shall be protected at all times from any contamination including cross-contamination between raw and cooked foods, toxic substances or contamination by insects or rodents, including while being stored, prepared, displayed, dispensed, packaged or transported.

(2) Equipment and utensils used for food storage, preparation and serving shall be of approved construction and maintained in a sanitary condition.

(b) **Food supplies**. The program shall comply with the requirements regarding food supplies contained in (1)-(5) of this subsection.

(1) **Food sources**. All food shall be from sources approved or considered satisfactory by the health authority and shall be in sound condition, free from spoilage, contamination, filth, adulteration, misbranding, and safe for human consumption.

(2) **Home-canned/hermetically sealed food**. Individually home canned food or use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

(3) **Milk products**. The program:

(A) shall use only Grade A pasteurized fluid milk and fluid milk products for drinking;

(B) shall use pasteurized dry milk or evaporated milk for cooking purposes only;

(C) shall store milk and milk products at 45 degrees F. or below;

(D) shall store milk in the original carton;

(E) may place milk from the original container in approved pitchers for serving. However, milk removed from the original container shall not be returned to the original container or stored for later use.

(4) **Meat, poultry and fish**. Meat, poultry and fish shall be obtained from approved sources and shall have been inspected as applicable by appropriate governmental authorities.

(5) **Ice.** Ice used for any purpose shall be made from water which comes from an approved source and shall be used only if it has been manufactured, stored, transported and handled in a sanitary manner.

(c) **Potentially hazardous foods.** Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140 degrees F. However, the requirements contained in (1)-(5) of this subsection also shall be met.

(1) **Ground beef.** Ground beef shall be thoroughly cooked to at least 155 degrees F. until the juice is clear and the meat is no longer pink.

(2) **Poultry, stuffed meats and stuffings.** Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees F. with no interruption of the cooking process;

(3) **Pork.** Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees F.

(4) **Egg products.** Only clean, whole-shell eggs without cracks, which meet applicable grade standards and are held at 45 degrees F. during storage, are permitted.

(A) Raw unpasteurized eggs shall not be used in uncooked food, e.g., ice cream, egg nog.

(B) Raw eggs which have been shelled shall not be held in excess of four hours.

(5) **Reheating foods.** Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly throughout to 165 degrees F. or higher before being served.

(d) **Food protection**. Foods shall be covered and protected from contamination while being stored, prepared, displayed or transported.

(1) Medicines and other hazardous items shall be stored in a manner which prevents contamination of food.

(2) Refrigeration units and insulated facilities needed to assure maintenance of all food at 45 degrees F. or below, except during preparation and service, shall be provided.

(3) A thermometer shall be provided in a conspicuous place in each refrigerator or freezer.

(4) All perishable foods (fruits and vegetables) shall be stored at temperatures that will protect them against spoilage.

(5) All potentially hazardous food shall be maintained at safe temperatures (45 degrees F. or below or 140 degrees F. or above) except during necessary periods of preparation and service.

(6) Damaged or unlabeled cans shall not be used.

(7) Frozen food shall be kept at 10 degrees F. or below except when being thawed at refrigerator temperature of 45 degrees F. or under cool, potable running water (70 degrees F. or below).

(8) Containers of food shall be stored off the floor on clean surfaces in such a manner as to be protected from splash and other contamination.

(e) **Food preparation**. Food shall be prepared with a minimum of manual contact on food-contact surfaces and with utensils which are clean and have been sanitized.

(1) Each time there is a change in processing between raw beef, pork, poultry or seafood, or a change in processing from raw to ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which are clean and have been sanitized.

(2) Raw fruits and vegetables shall be thoroughly washed with potable water before being cooked or served.

(f) **Use of food**. Individual or family-style portions of food once served shall not be served again. However, wrapped food which remains properly stored and has not been unwrapped may be served again.

(g) **Transporting food.** The requirements for storage, display and general protection against contamination contained in this Section shall apply to the transporting of all food from one location to another for service.

(1) All potentially hazardous food shall be kept at 45 degrees F. or below or 140 degrees F. or above during transportation.

(2) During transportation of food, all food shall be in covered containers or completely wrapped or packaged as to be protected from contamination.

(h) **Catering services**. When catering services are used:

(1) the meals shall be obtained from a food service establishment approved by the health department; and

(2) Procedures and equipment for transporting meals shall be approved by the health department.

(i) **Personnel**. Personnel shall comply with the requirements contained in paragraphs (1)-(2) of this subsection.

(1) **Health**. Persons shall not work in any capacity in any area of food service while infected with or a carrier of any disease in a communicable form or while afflicted with boils, infected wounds, sores, acute respiratory infection or diarrhea.

(2) **Hygiene**. All employees shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices while on duty.

(A) Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, after handling raw food products and after eating, drinking, using the toilet or returning from other areas of the facility.

(B) Employees shall keep their fingernails clean and trimmed.

(j) **Food equipment, utensils and storage items**. All equipment and utensils shall be designed and constructed of safe, non-toxic materials and shall be smooth, easily cleanable, durable and in good repair.

(1) All equipment shall be installed so that cleaning of the equipment and adjacent areas is facilitated.

(2) Adequate food service utensils shall be provided to assure complete food service for one meal for the licensed capacity of the program.

(3) Tableware shall be washed, rinsed and sanitized after each use.

(4) To prevent cross-contamination, kitchenware, utensils and food-contact surfaces of equipment shall be washed, rinsed and sanitized after each use.

(5) Cooking devices shall be cleaned as often as necessary and shall be free of encrusted grease deposits and other soils.

(6) Non-food contact surfaces of all equipment, including tables, counters and shelves, shall be cleaned at such frequency as is necessary to be free of accumulations of dust, dirt, food particles and other debris.

(k) **Cleaning and sanitizing equipment and utensils**. Equipment, utensils and service items shall be maintained in a sanitary condition, using one of the methods listed in (1)-(3) of this subsection.

(1) **Dishwashing machines**. Commercial or domestic dishwashing machines are acceptable with heat or chemical sanitizing cycles when properly installed and operated in a manner that allows completion of a sanitizing cycle without opening the machine. Adequacy of the sanitizing cycle shall be determined by the generally accepted test methods.

(2) **Manual cleaning**. Programs shall comply with the requirements for manual cleaning in (A)-(D) of this paragraph.

(A) If a three-compartment sink or automatic dishwasher is not available, a one or two compartment, domestic-type sink may be used when additional vessels, suitable to ensure the rinsing and sanitizing of all equipment, utensils and tableware, are provided.

(B) Manual washing, rinsing and sanitizing shall be conducted in the sequence listed in (i)-(iv) of this subparagraph.

(i) Sinks shall be cleaned prior to use.

(ii) In the first compartment equipment and utensils shall be thoroughly washed with an approved detergent in a solution that is kept clean.

(iii) In the second compartment, equipment shall be rinsed with clean water until utensils are free of detergent and abrasives.

(iv) In the third compartment, equipment and utensils shall be sanitized.

(C) Food-contact surfaces of all equipment and utensils shall be sanitized by immersion in a clean solution containing any chemical sanitizing agent, such as bleach, which has been demonstrated to the satisfaction of the health authority to be effective and non-toxic under use conditions.

(D) All items shall then be air-dried in a self-draining position before being stored.

(3) **Use of single-service articles**. Programs which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles for both preparation and service.

(A) Single-service articles shall be stored in closed cartons or containers which protect them from contamination.

(B) Single-service articles shall be used only once.

(l) **Storage area**. Storage areas shall meet the requirements contained in (1)-(3) of this subsection.

(1) Adequate space shall be:

(A) provided for the storage of sanitized equipment, utensils and service items; and

(B) storage space shall be above the floor in a clean, dry location so that food contact surfaces are protected from splash, dust and other contamination.

(2) Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in the food preparation area.

(3) Poisonous and toxic materials shall be identified and used only in such manner and under such conditions as will not contaminate food or constitute a hazard.

(m) **Food service handwashing facilities**. Handwashing facilities equipped with hot and cold running water with a mixed valve faucet shall be provided in the food preparation area in any facility licensed after June 1, 1987. However, when a program operates in housing which was originally designed as a family residence, handwashing facilities in a bathroom on the same floor as the kitchen shall be deemed convenient and adequate.

(1) Cleansing soap or detergent and approved sanitary towels or other approved hand-drying devices shall be provided.

(2) Facilities shall be kept clean and in good repair.

(3) Food preparation and dishwashing sinks shall not be used for handwashing purposes.

(n) **Food preparation and service areas**. For preparation and service areas shall meet the requirements listed in (1)-(5) of this subsection.

(1) **Floors**. The floor surface in all rooms or areas in which food is stored or prepared shall be of smooth, nonabsorbent materials.

(A) Unsealed concrete and carpet are not permitted.

(B) Floors shall be so constructed as to be easily cleanable and kept in good repair.

(2) **Walls and ceilings**. Walls and ceilings, in areas in which food is prepared or utensils or hands are washed, shall be kept in good repair, be easily cleanable and have washable surfaces up to the highest level reached by splash or spray.

(3) **Lighting**. The requirements addressing lighting contained in (A)-(B) of this paragraph shall be met.

(A) All areas in which food is prepared or stored, as well as hand-washing areas, toilet rooms and garbage and rubbish storage areas, shall be well-lighted.

(B) All lighting fixtures shall be shielded.

(4) **Ventilation.** Rooms shall be properly ventilated.

(A) All rooms shall have sufficient ventilation to keep them free from heat, steam, vapors, obnoxious odors, smoke and fumes.

(B) Ventilation systems shall comply with applicable state and local fire prevention requirements and shall, when ventilated to the outside air, discharge in such a manner as to not create a nuisance.

(5) **Housekeeping**. All areas where food is prepared and served shall be kept clean, neat and free from litter and rubbish.

(A) Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food contact surfaces.

(B) Soiled linens, coats and aprons shall be kept in containers in containers until removed for laundering.

(C) Live birds or animals are not allowed in any area used for food service operations.

(o) **Construction and maintenance of physical facilities**. The facility shall meet the construction and maintenance requirements listed in this subsection.

(1) **Buildings**. Buildings used to house part-day programs shall be structurally sound.

(A) Exterior and interior walls shall be maintained in sound condition, free of holes, peeling paper and paint.

(B) Windows and doors shall be maintained in good repair, free of broken glass and/or hazards.

(C) Window and door screens, where required, shall be maintained to effectively minimize the entry of insects.

(D) Floors shall be cleanable and in good repair. All uncovered floors shall be sealed, including concrete and wood floors.

(E) All uncovered floors shall be sealed including concrete and wood floors.

(2) **Premises.** The program shall ensure proper maintenance of the premises.

(A) The premises shall be maintained free of harborage for insects, rodents and other vermin.

(B) Safe, effective measures shall be taken to minimize the presence of and to protect against the entry of vermin.

(C) The premises shall otherwise be maintained free of hazards to children.

(3) **Water Supply**. The water supply shall be adequate, of a safe, sanitary quality and from an approved source.

(A) When not on a public water supply, i.e., well water, water shall meet local and state testing requirements.

(B) Hot and cold running water under pressure shall be provided in all areas where food is prepared or equipment, utensils or containers are washed.

(4) **Sewage disposal**. All sewage, including mop water, shall be disposed of in a public sewage system, or in its absence, in a manner approved by the health authority.

(5) **Plumbing**. Plumbing shall be sized, installed and maintained in a safe manner and in accordance with the Oklahoma Plumbing License Act.

(A) Plumbing constructed after June 1, 1987 shall be installed in compliance with the Building Officials and Code Administrators Plumbing code or applicable local ordinance.

(B) There shall be no cross-connection between the potable water supply and any nonpotable or questionable water supply or any source of pollution through which the potable water supply might become contaminated.

(C) **Electrical**. The electrical distribution system shall be sized, installed and maintained in a safe manner and in accordance with the Oklahoma Electrical Licensing Act. Portions of the electrical system constructed, repaired or replaced after June 1, 1987 shall be installed in compliance with the current National Electrical Code.

(D) **Garbage and rubbish disposal**. All garbage and rubbish containing food wastes and/or diapers shall, prior to disposal, be kept in leakproof, non-absorbent containers and covered with tight-fitting lids when filled, stored or not in continuous use.

(E) The containers shall be adequate for the storage of all food waste and rubbish accumulating on the premises.

(F) Each container shall be thoroughly cleaned each time it is emptied.

(G) Garbage disposals, if used, shall be of suitable construction and installed in compliance with state and local standards.

(H) All garbage and rubbish shall be disposed of frequently and in such a manner as to prevent a nuisance.

(I) All hazardous material shall be disposed of properly.

Section 49.7. Fire safety

(a) **Minimum construction requirements**. Current local codes shall be enforced for all new construction including additions or major alterations of existing licensed programs and conversion of buildings not previously licensed as part-day children's programs. In the absence of such ordinance, the state-adopted building code shall apply.

(1) Plans for construction of a new building, addition to or major alteration of existing buildings shall be submitted to the local fire or code authority for approval prior to start of construction. If no local authority exists, plans shall be submitted to the State Fire Marshal.

(2) Programs in operation on the effective date of these regulations shall continue to comply with the construction and fire safety codes applicable at the issuance of their license.

(b) **Fire safety codes.** The part-day program shall comply with the requirements contained in this Section. These requirements are examples of the regulations contained in the BOCA (Building Officials and Code Administrators) Code, the state-adopted building code.

(1) **Floors other than grade level**. No child in age group 0 through 35 months may be housed on any floor other than grade level in wood frame or of ordinary construction unless the building contains a complete, approved, automatic sprinkler system.

(2) No mobile home, whether mobile or permanently situated, shall be issued a license as a part-day children's program.

(c) **Exits.** No exit may be blocked by equipment, furniture or other objects.

(1) All exit doors shall be openable from the inside without the use of a key.

(2) Any exit door that is locked shall be able to be unlocked, unlatched and opened with a single motion.

(d) **Doors.** The facility shall comply with the requirements pertaining to doors contained in this subsection.

(1) All outside exit doors shall swing in the direction of exit travel if the building is occupied by more than 50 children. Panic hardware shall be provided for doors subject to use by an occupancy load of 100 or more persons per building.

(2) Every closet door latch shall be such that children can open the door children can open the door from inside the closet.

(3) Every bathroom door shall be designed to permit opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

(e) **Alarm systems and extinguisher.** The program shall comply with the requirements for alarm systems and fire extinguishers listed in this subsection.

(1) Operable smoke detectors shall be placed in each room in which children are in care.

(2) Smoke detectors shall be installed no more than 30 feet apart on the 30 feet apart on the ceiling or on the wall 4-12 inches below the ceiling.

(3) Smoke detectors shall be tested at least monthly and batteries replaced at least yearly.

(4) There shall be a manually operated fire alarm system on each floor of buildings with more than 50 children.

(5) Portable fire extinguishers suitable for Class B or Class BC fires or Class BC fires shall be installed in kitchens and cooking areas, and additional extinguishers suitable for Class A fires shall be installed throughout the program. (Consult the local fire authority or State Fire Marshal for the number, size and type of extinguisher to be installed.)

(6) All fire extinguishers shall be inspected, serviced and tagged annually by a competent authority.

(7) Disposable extinguishers are not acceptable unless equipped with a pressure gauge.

(f) **Hazardous areas.** Separation requirements shall be met in new construction or in a building not previously licensed for child care.

(1) Programs are not required to provide this separation for the kitchen if:

(A) no frying is done and a notice is posted stating that frying is not permitted; or

(B) there is a UL-approved automatic fire extinguishing system.

(2) Every central heating unit and gas-fed hot water heater shall be enclosed in separate suitable rooms or closets with exterior air provided for combustion. These enclosures shall not be used for storage or as habitable space.

(3) All electric and gas-fed water heaters shall be equipped with a temperature pressure valve.

(4) Use of open-faced space heaters, unvented space heaters or electric portable heaters is prohibited throughout the facility.

(A) Electric baseboard heat is permissible if it is wired directly in the electrical system and no objects are allowed to come in contact with the heating element.

(B) Gas-fed, unvented heaters mounted in the wall shall not be used and shall have the knobs removed while children are in the facility.

(5) Fires in wood-burning fireplaces are prohibited during hours children are in the program.

(6) A guard shall be provided around heaters, including floor furnaces, when necessary to protect children from hot surfaces.

(7) Window air conditioning units shall be equipped with appropriate covers.

(8) Commercial cooking equipment will require installation of a range hood and automatic fire extinguishing system if any type of frying is done. The range hood and automatic fire extinguishing system shall comply with NFPA #96 standard.

(g) **Electrical.** Electrical wiring shall comply with the requirements contained in this subsection.

(1) The use of temporary wiring or extension cords as permanent wiring is prohibited. However, extension bars are acceptable if there is documentation that a circuit-breaker or fuse is built into the unit.

(2) Appliance cords shall not be spliced, knotted, stapled, run over through or piping, run through concealed spaces or from one room to another.

(3) Electrical outlets which are not in use shall be covered with safety devices unless they are not within reach of children, in areas not used by children or in programs only caring for school-age children.

(h) **Evacuation.** The program shall comply with the evacuation requirements in this subsection.

(1) A floor plan of the building shall be exhibited on each floor of the building showing prime and alternate evacuation routes from each area of the building.

(2) Staff shall perform immediate and safe evacuation of all children.

(i) **Training.** Employees shall receive training regarding fire extinguishers and evacuation.

(1) Staff shall be familiar with locations and use of portable fire extinguisher.

(2) Each staff member shall be familiar with evacuation procedures and routes.

(j) **Housekeeping**. Accumulations of papers or trash shall be removed from the building as soon as possible.

(k) **Outside.** The outside area of the program shall be maintained in accordance with the requirements contained in this subsection.

(1) Outside play areas shall be free of trash, tall grass and standing water.

(2) Burning of trash on the premises is not permitted while children are in care.

APPENDICES AND SUPPLEMENTS

SUPPLEMENT I.

OKLAHOMA STATUTES

10 O.S., Sec. 401 through 410

OKLAHOMA CHILD CARE FACILITIES LICENSING ACT

(Amended 1999)

Sec. 401. Purpose and policy of law—Minimum standards

A. Sections 401 through 410 of this title shall be known and may be cited as the "Oklahoma Child Care Facilities Licensing Act."

B. It is the declared purpose and policy of this act, same to be known as the "Oklahoma Child Care Facilities Licensing Act," to ensure maintenance of minimum standards for the care and protection of children away from their own homes, to encourage and assist the child care facility toward maximum standards, and to work for the development of sufficient and adequate services for child care through joint work of public and voluntary agencies. Whenever possible, child care facilities should help to preserve and restore family life for children.

C. In order to provide care for children in child care facilities, a license shall be obtained from the Department of Human Services, which is issued on the basis of meeting minimum standards which are essential for the health and welfare of the child or children placed for care with such agencies and individuals.

Sec. 402. Definitions

As used in the Oklahoma Child Care Facilities Licensing Act:

1. "Child" or "minor" means any person who has not attained the age of eighteen (18) years;

2. "Child care facility" means any public or private residential facility, child placing agency, foster family home, group home, child care center, part-day child care program, family day care home, or large family child care home providing either full-time or part-time care for children away from their own homes;

3. "Child placing agency" means a child welfare agency licensed to place children in foster family homes, group homes or adoptive homes;

4. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours;

5. "Foster family home" means the private residence of a family which provides foster care services to a child, and includes a specialized foster home, a therapeutic foster family home, or a kinship care home;

6. "Foster parent eligibility assessment" includes a criminal background investigation, including, but not limited to, a national criminal history records search based upon the submission of fingerprints, a home assessment, and any other assessment required by the Department of Human Services, the Department of Juvenile Justice, or any child-placing agency pursuant to the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act. A foster parent eligibility assessment shall be similar to the procedures used by the Oklahoma Department of Public Safety for determining suitability of an individual for employment as a highway patrol officer;

7. "Group home" means a home providing full-time care and community-based services for more than five, but fewer than thirteen children;

8. "Family child care home" means a family home which provides care and supervision for seven or fewer children for part of the twenty-four-hour day. The term "family child care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;

9. "Large family child care home" means a residential family home which provides care and supervision for eight to twelve children for part of the twenty-four-hour day;

10. "Child care center" means a facility which provides care and supervision for children and which operates for more than thirty (30) hours per week. The term "child care center" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;

11. "Part-day child care program" means a facility that provides care and supervision for children and that operates for more than fifteen (15) and up to thirty (30) hours per week;

12. "Department" means the Department of Human Services.

13. "Commission" means the Commission for Human Services, the policy-making and general supervisory body of the Department; and

14. "Division" means the division of the Department of Human Services of the State of Oklahoma assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act.

Sec. 403. Exemptions from application of act

A. The provisions of this act shall not apply to:

1. Care provided in a child's own home or by relatives;

2. Informal arrangements which parents make with friends or neighbors for occasional care of their children;

3. Programs in which school-aged children are participating in home-schooling;

4. Programs operated during typical school hours by a public school district;

5. Programs operated during typical school hours by a private school that offers elementary education in grades kindergarten through third grade;

6. Summer youth camps for children at least five (5) years of age that are accredited by the American Camping Association or other national standard-setting agency or church camp accreditation program;

7. Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;

8. A program of specialized activity or instruction for children that is not designed or intended for child care purposes including, but not limited to, scouts, 4-H clubs and summer resident youth camps, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;

9. Nursery schools, kindergartens or other facilities the purposes of which are primarily educational, recreational or medical and that operate part-day child care programs which provide care and supervision for eight (8) or more children for fifteen (15) or fewer hours per week;

10. Facilities whose primary purpose is medical treatment;

11. Day treatment programs and maternity homes operated by a licensed hospital; or

12. Juvenile facilities operated by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities.

B. 1. The provisions of the Oklahoma Child Care Facilities Licensing Act shall be equally incumbent upon all private and public child care facilities.

2. Any institution furnishing full-time care for children for ten (10) years prior to May 23, 1963, shall, upon written notification to the Department of Human Services, be exempt from the provisions of the Oklahoma Child Care Facilities Licensing Act, if it is not receiving any state or federal funds for furnishing food, clothing, shelter, or upkeep for such children.

3. Any institution being operated by a war veterans' organization and furnishing full-time care for as of May 23, 1963, shall be exempt from the provisions of the Oklahoma Child Care Facilities Licensing Act, regardless of whether it is receiving state or federal funds.

Sec. 404. Minimum requirements and desirable standards

A. The Department shall appoint advisory committees of representatives of child care facilities and others to prepare minimum requirements and desirable standards for adoption by the Department, provided that a majority of any committee appointed to

prepare requirements and standards for institutions and homes shall be representatives of voluntary, nonprofit child care institutions and homes. These standards shall include requirements for a constructive program and services to meet the needs of each child and family; staff of good moral character and ability for child care; adequate and safe housing, sanitation, and equipment; good health care; full educational and religious opportunities; good community relationships; essential records and administrative methods; and sufficient funds for sound operation.

B. The Department shall prescribe and publish such rules and regulations and establish minimum requirements and desirable standards as may be deemed necessary or advisable to carry out the provisions of this act.

C. Such rules and regulations shall not be made, prescribed, or published until after consultation with the Departments of Health and Education, and the State Bureau of Investigation or other agency performing the duties of State Fire Marshal, provided, that not less than sixty (60) days' notice by ordinary mail shall be given to all current licensees before any changes are made in such rules and regulations.

D. In order to improve the standard of child care, the Department shall also advise and cooperate with the governing bodies and staffs of child care facilities and assist the staffs thereof through advice of progressive methods and procedures and suggestions for the improvement of services.

E. The Department may participate in federal programs for day care services, and enter into agreements or plans on behalf of the state for such purpose, in accordance with the Act of Congress, known as the Public Welfare Amendment of 1962 (Public Law 87-543), or other federal laws and regulations; and for such purpose, and notwithstanding any other provisions of this act, the Department may approve unlicensed facilities (including private homes) as meeting the standards established for licensing of day care facilities. Foster family homes, group homes, and day care homes which have been selected by and which are supervised by a licensed child care facility, and which meet the standards established for licensing under this act, may be maintained and operated on the basis of permits issued by such child care facility.

Sec. 404.1. Criminal history investigations—Foster parent eligibility assessment—Juvenile justice information system review—Exemptions

A. 1. Except as otherwise provided by subsection B of this section, the Department of Human Services shall require a criminal history investigation, conducted by the Oklahoma State Bureau of Investigation, for any person making application to establish or operate a child care facility prior to the issuance of a license to operate such facility.

2. a. Every child care facility shall arrange, prior to employment, for a criminal history investigation to be conducted by the Oklahoma State Bureau of Investigation for any person to be employed by the child care facility.

b. In addition, any child care facility, licensed or approved pursuant to the Oklahoma Child Care Facilities Licensing Act, and located in a private residence, shall

arrange for a criminal background investigation for any adult residing in the child care facility. A criminal history investigation conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the private residence.

3. If the adult has lived in Oklahoma for less than one (1) year, a criminal history investigation shall also be obtained from the previous state of residence. If the applicant planning to establish or operate a child care facility, or an employee or contract employee of the child care facility, or the contractor of the child care facility has resided in Oklahoma for less than one (1) year, the criminal history investigation shall also be obtained from such person's previous state of residence.

B. 1. a. On and after September 1, 1998:

(1) any child-placing agency contracting with a person for foster family home services or in any manner for services for the care and supervision of children shall also, prior to executing a contract, arrange for a foster parent eligibility assessment for the foster care providers,

(2) any child-placing agency contracting with a person for foster family home services shall arrange for a national criminal history records search based upon submission of fingerprints for any adult residing in the foster family home through the Department of Human Services pursuant to the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act. A national criminal history records search based upon submission of fingerprints to the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the residence, and

(3) any child care facility contracting with any person for foster family home services shall request the Office of Juvenile Justice to conduct a juvenile justice information system review pursuant to the provisions of Sections 7302-9.6 and 7302-3.8 of this title for any child over the age of thirteen (13) years residing in the foster family home, other than a foster child, or who subsequently moves into the private residence. As a condition of contract, the child care facility shall obtain the consent of the parent or legal guardian of the child for such review.

b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Department of Juvenile Justice prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of 10 O.S. Supp. 1997, Section 404.1, until otherwise provided by rules of the Commission for Human Services or by law.

2. a. On and after September 1, 1998, prior to contracting with a foster family home for placement of any child who is in the custody of the Department of Human Services, the Department shall arrange for a foster parent eligibility assessment pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, for such foster family applicant and a national criminal history records search based upon submission of fingerprints for any adult residing in such foster family home. A national

criminal history records search based upon submission of fingerprints conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the residence.

b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Department of Juvenile Justice prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of 10 O.S. Supp. 1997, Section 404.1, until otherwise provided by rules of the Commission for Human Services or by law.

3. The Department shall provide for a juvenile justice information system review pursuant to Section 7302-3.8 of this title for any child over the age of thirteen (13) years residing in a foster family home, other than the foster child, or who subsequently moves into the private residence.

C. The Commission for Human Services shall promulgate rules to identify circumstances when a criminal history investigation or foster parent eligibility assessment for an applicant or contractor, or any person over the age of thirteen (13) years residing in a private residence in which a child care facility is located, shall be expanded beyond the investigation conducted by the Oklahoma State Bureau of Investigation or as otherwise provided pursuant to this section.

D. 1. The following persons shall not be required to obtain a criminal history investigation or a national criminal history records search based upon submission of fingerprints to the Federal Bureau of Investigation pursuant to this section:

a. a parent volunteer who transports children on an irregular basis, and

b. a child of a child care center or family child care home operator who became an adult during continuous residence at the licensed or approved facility.

2. These exemptions shall not preclude the Department from requesting a criminal history investigation or requesting a national criminal history records search based upon submission of fingerprints or investigating criminal, abusive or harmful behavior of such persons, if warranted.

E. Except as otherwise provided by the Oklahoma Children's Code and subsection G of this section, a conviction for a crime shall not be an absolute bar to employment, but shall be considered in relation to specific employment duties and responsibilities.

F. 1. Information received pursuant to this section by an owner or administrator of a child care facility shall be maintained in a confidential manner in a file that is separate from employment records. The information may be transmitted to the Department for child care facility licensing purposes.

2. Whenever an applicant is subsequently employed by or contracts with a child care facility, the information received pursuant to a criminal history investigation, foster parent eligibility assessment, or a national criminal history records search based

upon submission of fingerprints shall not be made a part of that individual's personnel or contract records but shall be maintained pursuant to this subsection. The information, along with any other information relevant to the individual's ability to perform tasks that require direct contact with children, may be released to another child care facility in response to a request from the child care facility that is considering employing or contracting with the individual.

3. Requirements for confidentiality and record keeping with regard to the information shall be the same for the child care facility receiving the information in response to a request as those provided for in paragraph 1 of this subsection for the child care facility releasing such information.

G. 1. A criminal history investigation or national criminal history records search based upon submission of fingerprints conducted by the Oklahoma State Bureau of Investigation shall include a search of Department of Corrections' files maintained pursuant to the Sex Offender Registration Act.

2. a. It shall be unlawful for any person who is required to register pursuant to the Sex Offenders Registration Act to work with or provide services to children or to reside in a child care facility and for any employer who offers or provides services to children to knowingly and willfully employ or contract with, or allow continued employment of or contracting with any person who is required to register pursuant to the Sex Offenders Registration Act. Any person required to register pursuant to the Sex Offenders Registration Act who violates any provision of this act shall, upon conviction, be guilty of a felony punishable by incarceration in a correctional facility for a period of not more than five (5) years and a fine of not more than Five Thousand Dollars ($5,000.00) or both such fine and imprisonment.

b. Upon a determination by the Department of any violation of the provisions of this section, the violator shall be subject to and the Department may pursue:

(1) an emergency order,

(2) license revocation, denial or nonrenewal,

(3) injunctive proceedings,

(4) an administrative penalty not to exceed Ten Thousand Dollars ($10,000.00), and

(5) referral for criminal proceedings.

1. In addition to the penalties specified by this section, the violator may be liable for civil damages.

H. 1. In order to protect the health and safety of a child in out-of-home placement, the Department of Human Services shall study the feasibility of implementing a statewide program for a national criminal history records search based upon fingerprints submitted to the Oklahoma State Bureau of Investigation for a foster

parent who is currently caring for a child in the custody of the Department of Human Services and the Department of Juvenile Justice on the effective date of this act.

2. The study shall include, but not be limited to, assessing the costs associated with requiring national fingerprint checks on such foster parent, recommending time frames for implementation for such program, and any other consideration for the efficient and effective implementation of such a program.

3. The Department shall issue a report on its findings and any other recommendations to the Governor and the Legislature not later than January 15, 1999.

Sec. 405. Necessity and issuance of licenses

A. No child care facility may be operated or maintained in this state, unless licensed or temporarily authorized by the Department of Human Services; provided, that the Department shall not be required to be licensed, but shall be bound by the standards it prescribes. No new child care facility may be established without the prior approval of the Department, which shall be granted only after the Department is satisfied that such facility will meet minimum standards for a license to operate. The incorporation or domestication of a corporation organized for the purpose of operating a child care facility shall not exempt such corporation from compliance with the provisions of this act.

B. An application for a license shall be made on forms provided by the Department and in the manner prescribed. Temporary authorization may be granted to allow the Department to investigate the activities and standards of care of the applicant. If satisfied that the applicant meets the requirements as provided in this act, a license shall be issued. A provisional license may be issued to any applicant whose services are needed but which is temporarily unable to conform to all the rules of the Department, as provided in Section 404 of this title. All licenses shall be in force for two (2) years from the month of issuance unless revoked as authorized by Section 408 of this title, and may be reissued biennially on application, except that a provisional license may be in force for not more than one (1) year from the date of issuance, unless such emergency exists as, in the discretion of the Department, necessitates an extension /thereof.

Sec. 406. Investigations—Notice of violation—Confidentiality

A. The Department of Human Services shall have authority at any reasonable time to investigate and examine the conditions of any child care facility in which a licensee or applicant hereunder receives and maintains children, and shall have authority at any time to require the facility to provide information pertaining to children in its care.

B. 1. The State Department of Health may visit any licensee or applicant at the request of the Department to advise on matters affecting the health of children and to inspect the sanitation of the buildings used for their care.

2. The State Fire Marshal may visit any licensee or applicant at the request of the Department to advise on matters affecting the safety of children and to inspect the condition of the buildings used for their care.

C. 1. Upon receipt of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act or any licensing standard promulgated by the Department, the Department shall conduct a full investigation. If upon investigation, it is determined that there are reasonable grounds to believe that a facility is in violation of the Oklahoma Child Care Facilities Licensing Act or of any standard or rule promulgated pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, the Department shall:

a. document the complaint;

b. provide a written copy of the complaint to the facility involved; and

c. document the facility's plan for correcting the alleged violations.

2. When the Department determines that there has been a violation and that the violation has a direct impact on the health, safety or well-being or one or more of the children cared for by the facility, the Department shall require immediate correction of the violation.

3. The notice shall include notice that failure to correct the violation can result in the revocation of the license, refusal to issue or renew a license, or the filing of an injunction pursuant to the provisions of Section 409 of this title.

4. If the facility refuses to correct the violation or fails to complete the plan of correction, the Department may initiate proceedings to revoke the license, refuse to issue or renew a license, and request an injunction.

D. Upon the completion of the investigation of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act or any licensing standard promulgated by the Department, the Department shall clearly designate its findings on the first page of the report of the investigation. The findings shall state whether the complaint was substantiated or unsubstantiated.

E. Information obtained by the Department or the Office of Child Care from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications and shall be properly safeguarded and shall not be accessible to anyone except as herein provided, unless upon order of a court of competent jurisdiction.

Sec. 407. Revocation of license or refusal to renew—Emergency action

A. The Department of Human Services may revoke the license or refuse to issue or renew the license of any child care facility found to be in violation of any provision of this act or the rules of the Department, as provided in Section 404 of this title.

B. 1. No license shall be revoked or issuance or renewal refused unless and until such time as the licensee or applicnat shall have been given at least thirty (30) days' notice in writing of the grounds of such proposed revocation or refusal.

2. At the time the facility is given notice in writing of the revocation of license or refusal to renew, the Department shall also advise parents of children attending the facility of such action by written notification and the posting of an announcement in the facility.

3. If such revocation or refusal is protested within thirty (30) days of receipt of such notice, by writing addressed to the Commission for Human Services, the Commission, or its authorized agency, shall conduct a hearing at which an opportunity shall be given to such licensee or applicant to present testimony and confront witnesses.

4. Notice of such hearing shall be given to such licensee or applicant by personal service or by delivery to the proper address by certified mail, return receipt requested, at least two (2) weeks prior to the date thereof.

5. If notice of the proposed revocation or refusal is not so protested, the license may thereupon be revoked or renewal thereof refused.

C. 1. Nothing in this section or Section 406 of this title shall be construed as preventing the Department from taking emergency action as provided by this subsection.

2. Whenever the Department finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility licensed or authorized pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, the Department may without notice or hearing issue an order stating the existence of such an emergency including, when necessary, removing children from the facility and prohibiting the facility from providing services to children pending a hearing on the matter.

(a) Such order shall be effective immediately. Any person to whom such an order is directed shall comply with such order immediately, but on application to the Department, shall be afforded a hearing within ten (10) days of receipt of such notice.

(b) On the basis of such hearing, the Department shall continue such order in effect, revoke it, or modify it.

(c) Any person aggrieved by such order continued after the hearing provided for in this subsection may appeal to the district court of the area affected within thirty (30) days. Such appeal when docketed shall have priority over all cases pending on said docket, except criminal cases. For the purposes this subsection, the term "emergency" shall mean a situation that poses a direct and serious hazard to the health, safety or welfare or any child cared for by the facility.

Sec. 408. Appeals

A. Any licensee or applicant aggrieved by the decision of the Department of Human Services under Sections 405 or 407 of this title may, within ten (10) days after the revocation or refusal to issue or renew the license, appeal to the district court of the county in which the child care facility is maintained and operated by filing with the clerk

of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.

B. The Department shall, within ten (10) days of the service of such notice, file with the clerk of such court a transcript of the proceedings had before it. The district court shall thereupon be vested with jurisdiction to review the proceedings of the Department; provided that, if the Department prevails, the judgment of the district court shall be that the decision of the Department be affirmed, and if the licensee or applicant prevails the judgment of the court shall be that the revocation be set aside or the license issued or renewed, as the case may be. Pending the hearing of the appeal, the action of the Department revoking or refusing issuance or renewal of the license or the granting thereof shall be stayed; provided, after the filing of an appeal, the district court, upon application by the Department and after an appropriate hearing, may grant a restraining order to enforce the decision of the Department.

Sec. 409. Injunction

Any person or child care facility may be enjoined from maintaining and operating such facility for violations of any provisions of this act by suit brought in the name of the state by the Attorney General of Oklahoma or by a district attorney.

Sec. 410. Violations—Punishment

Any person or agent, representative, or officer of any child care facility who violates any of the provisions of this act, shall, upon conviction, be deemed guilty of a misdemeanor and punished in accordance with the provisions of 21 O.S. 1961 § 10. Whenever any agent, representative, or officer of any child care facility shall be convicted under authority of this act, such conviction shall be sufficient ground for the revocation of the license of said licensee.

SUPPLEMENT II

WHAT IS CHILD ABUSE?

What is the Law?

Oklahoma statutes define child abuse as harm or threatened harm to a child's health or welfare by a person responsible for the child. This includes non-accidental physical or mental injury, sexual abuse or neglect (21 O.S., Sec. 7102).

- **Physical abuse** is non-accidental physical injury to a child.
- **Mental injury** is an injury to a child's psychological growth and development. It is caused by a chronic pattern of behaviors, such as belittling, humiliating and ridiculing a child.
- **Sexual abuse**, in general terms, includes any sexual activity between an adult and a child for the purpose of sexually stimulating the adult, the child or others. Sexual abuse may also be committed by a person under the age of 18 when that person is either significantly older than the victim or is in a position of power or control over the child.
- **Neglect** is the failure of the parent or caretaker to provide a child with basic needs such as food, clothing, shelter, medical care, protection and supervision.
- **Threatened harm** means a substantial risk of harm to the child. It may include acts or expressions of intent to inflict actual harm presently or in the future.

Who must report?
Every person, private citizen or professional who has reason to believe that a child has been abused is mandated by law to promptly report suspected abuse. Failure to do so is a misdemeanor. A person making a report in good faith is immune from civil or criminal liability. The name of the reporter is kept confidential.

When to report?
A report should be made when there is reasonable cause to believe that a child has been abused or neglected or is in danger of being abused. A report of suspected abuse is a request for an investigation. Investigation of child abuse reports is the responsibility of Child Welfare workers and, when a crime may have been committed, law enforcement officials.

If other incidents of abuse occur after the initial report has been made, another report should be made.

How is abuse reported?
A report may be made to any county office of the Department of Human Services or to the 24-hour statewide Child Abuse Hotline, 1-800-522-3511.

SUPPLEMENT III

SUGGESTED INDOOR EQUIPMENT FOR INFANTS

NUMBER OF INFANTS:	1	2	3	4	5	6	7	8
MOTOR DEVELOPMENT								
Large Muscle, e.g., set of soft blocks, tunnel or crawl-through apparatus, large balls, infant activity center, pull-up apparatus	1	1	1	1	2	2	2	2
Small Muscle, e.g., nesting containers, washable dolls, balls (variety of sizes, plastic animals	1	2	3	4	5	6	7	8
SENSORY DEVELOPMENT								
Things to Hear, e.g., rattles, musical toys, squeaky toys	1	2	3	4	5	6	7	8
Things to See, e.g., mobile, murals, pictures	1	2	3	4	5	6	7	8
Things to Touch, e.g., feely toys, feely ball, textured items	1	2	3	4	5	6	7	8
LANGUAGE DEVELOPMENT								
Washable picture books	1	2	3	4	5	6	7	8
Story books to be read by teacher	1	2	3	4	5	6	7	8
MUSIC								
Tapes or records	2	2	2	2	4	4	4	4
Infant swing, swing chair or alternative individual space	1	1	1	1	2	2	2	2

SUGGESTED INDOOR EQUIPMENT FOR TODDLERS

NUMBER OF TODDLERS:	1-2	3-4	5	6	7	8-9	10-11	12
MOTOR DEVELOPMENT								
Large Muscle, e.g., set of large plastic or cardboard building blocks, two-step slide, rocking boat, inter-locking panels, indoor riding toy (without pedals), rocking toy, sit and spin	1	1	2	2	3	3	4	4
Push and pull toys	2	4	5	6	7	8	10	12
Small Muscle, table manipulative, e.g., stacking toys, nesting toys, 2-4 piece puzzles, table blocks, pounding toys	3	6	9	12	14	16	20	24
Rubber animals	1	2	3	4	5	6	7	8
Balls or various sizes	1	2	3	4	5	6	7	8
Hand-held trucks, cars, etc.	2	4	5	6	7	8	10	12
SENSORY DEVELOPMENT								
Things to Hear, e.g., musical toys, wind-up toys, xylophone, shakers	1	2	3	4	5	6	7	8
Things to See, e.g., pictures, posters, murals (assorted sizes and colors), windsock, banners	1	2	3	4	5	6	7	8
Things to Touch, e.g., textured surfaces, non-toxic fingerpaint, water play with accessories, play dough	1	2	3	4	5	6	7	8
LANGUAGE DEVELOPMENT								
Washable picture books	2	4	5	6	7	9	11	12
Story books to be read by teacher	2	4	5	6	7	9	11	12
Puppets	1	1	1	1	2	2	2	2
PRETEND								
Washable dolls	1	2	3	4	5	6	7	8
Choose from: pots and pans, shoes, scarves, aprons, purses, play telephone, etc.	3	6	9	12	15	18	21	24
MUSIC								
Tapes or records	2	2	2	2	4	4	4	4

SUGGESTED INDOOR EQUIPMENT FOR TWO YEAR OLDS

NUMBER OF 2 YEAR OLDS:	1-2	3-4	5-6	7-8	9-10	11-12	13-14	15-16
MOTOR DEVELOPMENT								
Large Muscle, no more than two of the same item, e.g., set of large plastic or cardboard building blocks, two-step slide, rocking boat, interlocking panels, indoor climbing apparatus, rocking toy, large floor push toy, crawl-through apparatus	2	2	3	4	5	6	7	8
Push and pull toys	1	2	3	4	5	6	7	8
Small Muscle, table manipulative toys e.g., stacking toys, nesting toys, 2-4 piece puzzles, table blocks, pounding toys	2	4	6	8	10	12	14	16
Balls or various sizes	1	2	3	3	4	4	5	5
Hand-held trucks, cars, etc.	2	3	5	6	8	9	10	12
Animals (plastic, rubber, or wood)	1	2	3	4	5	6	7	8
PRETEND								
Dolls	1	2	3	4	5	6	7	8
Items of dress-up clothes, e.g., capes, aprons, shoes, purses, hats, scarves	1	2	3	4	5	6	7	8
Choose from: pots and pans, dishes, plastic play foods, empty food containers, housekeeping appliance, plastic play tool set, water play with accessories	2	4	6	8	10	12	14	16
MUSIC								
Musical toys	1	1	2	3	3	3	4	5
Tapes or records	2	2	2	2	4	4	4	4
LANGUAGE DEVELOPMENT								
Mitten-type puppets	1	1	2	2	3	3	4	4
Picture books for children's independent use	2	4	6	8	10	12	14	16
Story books for teacher to read to children	2	4	6	8	10	12	14	16

SUGGESTED INDOOR EQUIPMENT FOR THREE YEAR OLDS

NUMBER OF 3 YEAR OLDS:	1-3	4-6	7-9	10-12	13-15	16-18	19-21	22-24
MOTOR DEVELOPMENT								
Large Muscle, set of building blocks (minimum of 20 pieces) with accessories	1	1	1	1	1	1	1	1
No more than two of the same item, e.g., rocking boat, interlocking panels, indoor climbing apparatus, large floor push toy	2	2	2	2	3	3	4	4
Small Muscle, table activities e.g., matching games, lotto, nesting toys, stringing beads, parquetry blocks, peg boards and pegs, lacing boards	3	3	6	6	9	9	12	12
Inlay puzzles	3	3	6	6	9	9	12	12
Set of interlocking table toys, e.g., lego, tinker toys, bristle blocks, konnectos	1	1	2	2	3	3	4	4
Small hand-held toys, e.g., cars, trucks, airplanes, boats	3	3	6	6	9	9	12	12
ART								
Easel surface	1	1	2	2	2	2	2	2
PRETEND								
Dolls with accessories	2	2	4	4	6	6	8	8
Items of dress-up clothes, e.g., hats, neckties, capes, purses, vests, aprons, shoes	2	4	6	8	10	10	12	12
Choose from: housekeeping items, e.g., appliances, set of dishes and utensils, set of pots and pans, set of clean-up toys (broom, map, dust pan, etc.), doll bed or cradle, child- size rocking chair, water play equipment, steering wheel	2	4	6	8	10	10	12	12
Creative play sets with accessories, e.g., farm, playhouse, garage, airport	1	1	2	2	3	3	4	4
LANGUAGE DEVELOPMENT								
Puppets	2	2	2	2	2	2	2	2
Choose from: magnetic board with accessories, flannel board with accessories, listening tapes	2	2	2	2	2	2	2	2
MUSIC								
Tapes or records	2	2	4	4	5	5	6	6

SUGGESTED INDOOR EQUIPMENT FOR 4-5 YEAR OLDS

NUMBER OF 4-5 YEAR OLDS:	1-4	5-8	9-11	12-15	16-19	20-23	24-26	27-30
MOTOR DEVELOPMENT								
Large Muscle, set of building blocks (minimum of 20 pieces) with accessories	1	1	1	1	2	3	4	4
No more than two of the same item, e.g., rocking boat, interlocking panels, indoor climbing apparatus, large floor push toy	2	2	2	2	3	3	4	4
Small Muscle, table activities e.g., matching games, lotto, nesting toys, stringing beads, parquetry blocks, peg boards and pegs, lacing boards	6	6	9	9	12	12	15	15
Inlay puzzles	3	3	6	6	9	9	12	12
Set of interlocking table toys, e.g., lego, tinker toys, bristle blocks, konnectos	1	2	3	4	5	5	6	6
Small hand-held toys, e.g., cars, trucks, airplanes, boats	2	4	6	8	10	12	14	16
ART								
Easel surface	1	1	2	2	2	2	2	2
PRETEND								
Dolls with accessories	2	2	3	3	4	4	5	5
Accessory items related to occupation, e.g., chef's hat, brief case, medical kit	2	2	4	4	5	5	6	6
Items of dress-up clothes, e.g., hats, neckties, capes, purses, vests, aprons, shoes	8	8	10	10	12	12	14	14
Choose from: housekeeping items, e.g., appliances, set of dishes and utensils, set of pots and pans, set of clean-up toys (broom, map, dust pan, etc.), doll bed or cradle, child-size rocking chair, water play equipment, steering wheel	2	4	5	6	7	8	9	10
Creative play sets with accessories, e.g., farm, playhouse, garage, airport	1	1	2	2	3	3	4	4
LANGUAGE DEVELOPMENT								
Puppets	1	1	2	2	3	3	4	4
Choose from: magnetic board with accessories, flannel board with accessories, listening tapes	1	1	2	2	3	3	4	4
MUSIC								
Tapes or records	2	2	4	4	5	5	6	6

SUGGESTED INDOOR EQUIPMENT FOR SCHOOL-AGE CHILDREN

NUMBER OF SCHOOL-AGE CHILDREN:	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40
motor development, e.g., jump rope, ping pong or table tennis, frisbee, hula-hoop, pogo stick, hopscotch, horse shoes, croquet, bean-bag toss, pool table, carom board, marbles, jacks	5	5	10	10	12	12	15	15
sports equipment, e.g., soccer, softball, t-ball, volleyball, basketball, tether ball, badminton	2	2	4	4	5	5	6	6
arts and crafts, e.g., materials for sewing, weaving, costume making, knitting, puppets, craft kits	2	3	4	5	6	7	8	9
art supplies, e.g., paste, scissors, various sizes and color of paper, crayons, marking pens, lead pencils, colored pencils, non-toxic paints, chalk, clay	5	6	7	8	9	10	11	12
manipulatives, e.g., jigsaw puzzles, various card games, checkers, dominoes, lotto, bingo, board games, hand-held computer games, video game systems, chess, pick-up sticks	5	5	10	10	15	15	20	20
a variety of interlocking toys (minimum of 20 pieces per set), e.g., lego, konnectos, mini loc blocks, bristle blocks, unifix cubes, rig-a-jig, towerfics, lincoln logs, tinker toys, waffle blocks, parquetry blocks	2	2	4	4	7	7	8	8
small hand-held toys, e.g., cars, trucks, miniature characters	2	3	4	5	7	8	9	10
pretend								
shatterproof mirror	1	1	1	1	2	2	2	2
dolls with accessories, e.g., action figures, fashion dolls	1	2	3	4	5	5	6	6
accessory items related to occupation, e.g., chef's hat, brief case, medical kit	2	2	4	4	5	5	6	6
items of dress-up clothes, costumes, accessory items related to occupation, e.g., hats, neckties, capes, purses, vests, aprons, shoes, coats, wigs, nurse's uniform, chef's hat, hard hat, tool aprons, doctor's instruments, farmer's overalls, straw hats	5	5	10	10	12	12	15	15

NUMBER OF SCHOOL-AGE CHILDREN:	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40
choose from: pretend kit/prop box, e.g., office, barber/beauty shop, fix-it shop, pizza parlor, post office, dance studio, water/sand play with accessories, carpentry corner with wood, saw, hammer nails, creative play sets, e.g., doll house, farm, airport	1	2	3	4	5	6	7	8
a variety of blocks (minimum of 20 pieces per set) of various sizes, shapes, colors, pipe works, marble works, large waffle blocks, large interlocking blocks, various sizes of tubes	2	2	4	4	7	7	8	8
language development								
books (age-appropriate)	5	5	10	10	15	15	20	20
comic books, magazines (age-appropriate)	5	5	10	10	15	15	20	20
listening tapes, puppets with theater, flannel boards with pieces, writing center, chalk boards, vcr with child-oriented tapes	2	2	4	4	6	6	8	8
science items, e.g., magnifying glasses, ant farm, plants, magnets, aquariums, science pictures, small live animals (hamster, lizard, rabbit, etc.), rocks, shells, microscope	2	2	4	4	6	6	8	8

SUPPLEMENT IV

SUGGESTED OUTDOOR PLAY EQUIPMENT

When selecting outdoor play equipment, keep in mind the ages, developmental levels and number of children. A minimum of one item from each of the five different categories listed below is recommended.

- Climbing apparatus sized to the age of children in care
- Swinging apparatus
- Crawl-through apparatus
- Wheeled or riding toys
- Balance apparatus
- Balls, bean bags, frisbees, etc.
- Sand and water play with accessories

SUPPLEMENT V

MINIMUM IMMUNIZATION REQUIREMENTS

Section 411 of Title 10 of the Oklahoma Statutes mandates that children attending child care obtain, at the medically appropriate time, immunizations against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), hepatitus A, hepatitus B, varicella and polio. The Oklahoma State Board of Health's recommended immunization schedule is found on the following page.

EXEMPTIONS FROM THE LAW

Exemptions from the immunization requirements are authorized in the law for medical, religious and personal reasons. Following is a summary of information concerning these exemptions, including procedures for their authorization.

Medical. Section 413 of Title 10 of the Oklahoma Statutes states that any minor child, through his parent or guardian, may submit to the health authority charged with the enforcement of the required immunization program, a certificate signed by a licensed physician stating that the immunization would endanger the life or health of the child. The child would be exempt from the immunization.

Religious or Other. Exemptions based on religious or other objections to immunizations are also allowed. The parent or guardian must present a signed written statement briefly summarizing his or her objections.

Personal. Exemptions may also be authorized for children whose parent or guardian objects to immunizations on philosophical grounds but is not necessarily a member of a church or group which subscribes to religious beliefs contrary to the practice of immunization. As with religious exemptions, the parent or guardian must present a Certificate of Exemption complete with a brief statement summarizing his or her objections to immunizations. Lost or unobtainable immunization records are not grounds for personal exemptions.

Exemption Procedures. Certificate of Exemption forms (ODH 216A) are available from the Immunization Division of the Oklahoma State Department of Health for parents and guardians claiming an exemption for their children.

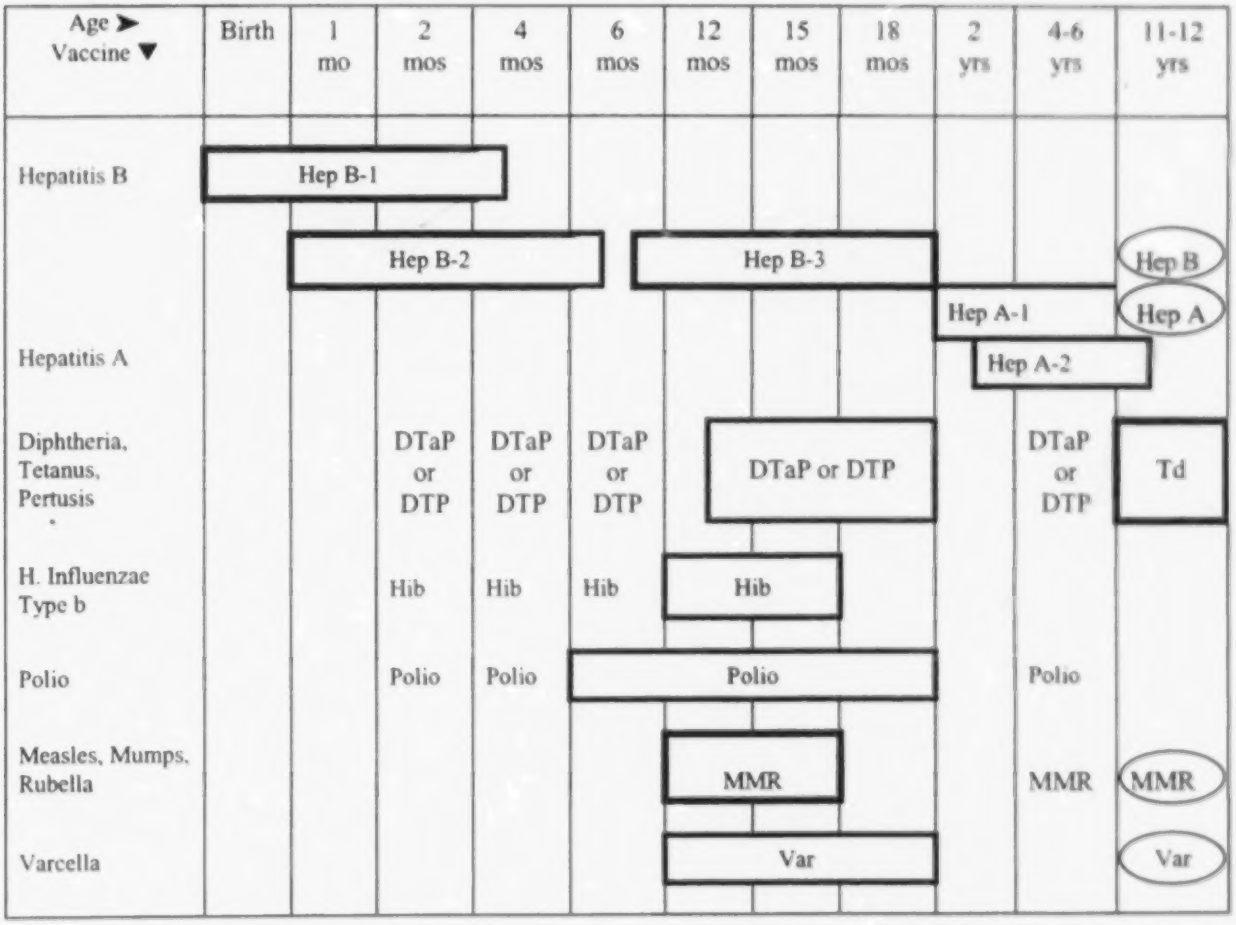
In documenting a medical exemption, the parent or guardian is responsible for obtaining the signature of the physician. For other exemptions and for family emergencies, the parent or guardian must complete the form.

FAMILY EMERGENCIES

This provision applies in those rare instances where a true family emergency exists, such as a death in the family. A child care operator may allow a child to enter and remain for up to 30 calendar days without an immunization record. Ideally, the record should be presented at the earliest possible opportunity. If at the end of the 30-day period the parent or guardian has not produced an acceptable record, the child care operator should exclude the child.

RECOMMENDED CHILDHOOD IMMUNIZATION SCHEDULE

This schedule indicates the recommended age for the routine administration of currently licensed childhood vaccines. Vaccines are listed under the routinely recommended ages. Bars indicate range of acceptable ages for vaccinations. Circled items indicate ages for catch-up vaccines:



Approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

64

SUPPLEMENT VI

INJURY REPORT FORM

Name of Injured: _____

Sex: _____ Age: _____

Date when injury occurred: _____

Time where injury occurred: _____

Location where injury occurred: _____

Description of how injury occurred: _____

_____

_____

_____

_____

_____

Description of injury and its location: _____

_____

_____

_____

Action taken on behalf of the injured: _____

_____

_____

_____

Was parent/legal guardian specifically advised of injury?

_____

_____

_____

Was parent/legal guardian specifically advised to obtain medical attention? _____

_____

Other witness to injury: _____

Name of individual(s) involved in supervision at time of injury: _____

_____

Name of person completing this report form: _____

Date of completion of form: _____

SUPPLEMENT VII

MINIMUM MEAL PATTERN PLAN FOR CHILDREN

MEAL	1-2 YEAR OLDS	3-5 YEAR OLDS	6-12 YEAR OLDS
BREAKFAST			
Milk, fluid	1/2 cup	3/4 cup	1 cup
Juice or fruit	1/4 cup	1/2 cup	1/2 cup
Cereal or bread product			
Enriched or whole grain bread or	1/2 slice	1/2 slice	1 slice
Cereal (cold, dry) or	1/4 cup	1/3 cup	3/4 cup
Cooked cereal or cereal	1/4 cup	1/4 cup	1/2 cup
Cooked pasta or noodle products	1/4 cup	1/2 cup	1/4 cup
MIDMORNING OR MIDAFTERNOON SNACK (The following choices are recommendations only)			
Milk, fluid; or juice; or fruit; or vegetable	1/2 cup	1/2 cup	1 cup
Cereal or bread			
Enriched or whole grain bread or	1/2 slice	1/2 slice	1 slice
Cereal	1/4 cup	1/3 cup	3/4 cup
LUNCH OR SUPPER			
Milk, fluid	1/2 cup	3/4 cup	1 cup
Meat and/or meat alternate			
*Meat, poultry or fish - cooked	1 ounce	1 1/2 ounce	2 ounces
*Cheese	1 ounce	1 1/2 ounce	2 ounces
Egg	1 egg	1 egg	1 egg
Cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
Peanut butter	2 tbsp.	3 tbsp.	4 tbsp.
Vegetables and fruit - 2 kinds	1/4 cup	1/2 cup	3/4 cup
Bread and bread alternates			
Enriched or whole grain bread or	1/2 slice	1/2 slice	1 slice
Cooked pasta or noodle products or	1/4 cup	1/4 cup	1/2 cup
Cooked cereal grains	1/4 cup	1/4 cup	1/2 cup
*1 pound of meat or cheese meets minimum serving for	16 children	11 children	8 children

SUPPLEMENT VIII

REVISIONS TO REQUIREMENTS FOR PART-DAY CHILD CARE PROGRAMS

Below is the time-frame reflecting the most recent revisions to *Part-Day Child Care Programs*.

December 9, 1998	Child Care Advisory Committee recommends approval of proposed revisions.
March 23, 1999	Commission for Human Services approves proposed revisions.
April 26, 1999	Governor approves proposed revisions.
December 1, 1999	Effective date of revisions

DHS Pub. No. 95-12 Revised 8-99
This publication is authorized by the Oklahoma Commission for Human Services in accordance with state and federal regulations and printed by the Oklahoma Department of Human Services at a cost of $950 for 1750 copies. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries. DHS offices may request copies on Adm-9 electronic supply orders. Members of the public may obtain copies by contacting the DHS Warehouse, (405) 962-521-2191